Calendar No. 1074

99TH CONGRESS *2d Session*	SENATE	REPORT 99-521

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT OF 1986

OCTOBER 3 (legislative day, SEPTEMBER 24), 1986.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany H.R. 2436]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 2436) to establish a coordinated National Nutrition Monitoring and Related Research Program and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE

The purpose of H.R. 2436 is to make more effective use of current expenditures for nutrition monitoring and to establish and implement a plan for the National Nutrition Monitoring and Related Research Program to assess the dietary and nutritional status of the people of the United States.

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II. BACKGROUND

The lack of a comprehensive national nutrition monitoring system has hindered the ability of the American public and policymakers to fully understand and address the safety and quality of the food supply, ensure that the nutritional needs of the population are met, and acquire a data base which will permit the planning and guiding of agriculture, nutrition and health research.

The United States Department of Agriculture (USDA) was first instructed to investigate the needs of human nutrition in 1893. Since that time there have been a number of surveys completed by USDA and the Department of Health, Education and Welfare (now the Department of Health and Human Services). While these surveys have provided invaluable nutritional information, there remains a need for a comprehensive, long-term program which will provide timely, integrated data on food, nutrition, and health related issues.

A legislative mandate is necessary to sustain the progress which has been made to ensure that the United States will have the benefit of a continuous and comprehensive national nutrition monitoring system. H.R. 2436 will strengthen the developing cooperation between Federal agencies and provide the mechanism necessary to incorporate the needs of the groups who depend upon the data and services performed by a national nutrition monitoring system. H.R. 2436 also requests the authorization and appropriation of funds so that nutrition monitoring will be identified as a separate line item of the budget of the appropriate agency, thereby giving Congress and the people the ability to exercise their oversight responsibilities to ensure effective administration of the National Nutrition Monitoring and Related Research Program.

III. LEGISLATIVE HISTORY

The Food and Agriculture Act of 1977 (P.L. 95-113) required the Secretaries of Agriculture, and Health, Education and Welfare to submit to Congress a proposal for a comprehensive nutrition monitoring system. The proposal for a comprehensive nutrition monitoring system was presented to the President of the Senate in May 1978. The suggested plan detailed the type of data which was to be collected, however, it did not describe how the plan would be implemented and completed. The proposal was therefore returned to the agencies with a directive to provide a specific implementation plan.

In 1981 the National Nutrition Monitoring System Joint HHS-USDA Implementation Plan was submitted to Congress. This plan contained a calendar of the critical features of the implementation activities that were to be performed to allow the National Nutrition Monitoring System to be in place by 1987. Since 1981, there have been repeated commitments by both Departments to nutrition monitoring. While some progress has been made, some critical goals of the Implementation Plan have not been completed which are necessary before the coordinated survey can begin in 1987. The most recent nutrition data collected was from 1980, but it has not yet been analyzed completely or interpreted in a published form for its many users.

S. 1569, the Improved Public Health Through Nutrition Monitoring Act of 1985, was introduced on August 1, 1985 by Senator Bingaman and was co-sponsored by Senators Matsunaga, Chiles, Hollings, Gore, Mitchell, Boschwitz, Simon, Levin, Stennis, Riegle, and Glenn. The bill was referred to the Committee on Governmental Affairs.

H.R. 2436, the National Nutrition Monitoring and Related Research Act of 1986, was introduced on May 8, 1985 by Representative Buddy MacKay and was jointly referred to the House Committee on Science and Technology and the House Committee on Agriculture. The Subcommittee on Science, Research and Technology, the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and the Subcommittee on Department Operations, Research, and Foreign Agriculture held a joint hearing on June 25, 1985. The bill was placed on the Union Calendar June 19, 1986. H.R. 2436 passed the House as amended June 26, 1986.

On July 14, 1986, H.R. 2436 was received in the Senate and referred to the Committee on Governmental Affairs. A mark-up was held August 12, 1986 and H.R. 2436 was ordered reported favorably without amendment.

IV. SECTION-BY-SECTION ANALYSIS

Section 1 designates the Act as the "National Nutrition Monitoring and Related Research Act of 1986".

Section 2 enumerates the purposes of the Act, which are to: (1) make more effective use of Federal and State expenditures for nutrition monitoring; (2) establish and facilitate the timely implementation of a coordinated National Nutrition Monitoring and Related Research Program; (3) establish and implement a comprehensive plan for the National Nutrition Monitoring and Related Research Program to assess the dietary and nutritional status of the people of the United States; (4) establish and improve the quality of national nutritional and health status data and related data bases and networks, and stimulate research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for nutrition monitoring; (5) establish a central Federal focus for the coordination, management, and direction of Federal nutrition monitoring activities; (6) establish mechanisms for addressing the nutrition monitoring needs of Federal, State, and local governments, the private sector, scientific and engineering communities, health care professionals, and the public in support of the foregoing purposes; and (7) provide for the conduct of such scientific research and development as may be necessary or appropriate in support of such purposes.

Section 3 defines the key terms employed in the Act.

Title I Section 101(a) establishes the ten-year coordinated program, named the National Nutrition Monitoring and Related Research Program. Section 101(b) assigns the responsibility for the implementation of the coordinated program to the Secretary of the Department of Agriculture and the Secretary of Health and Human Services. To aid the implementation of the coordinated program, Section 101(c) establishes an Interagency Board for Nutrition Monitoring and Related Research, naming an Assistant Secretary in the Department of Agriculture and an Assistant Secretary in the Department of Health and Human Services as joint chairpersons. Section 101(d) grants the Secretaries the authority to appoint a full-time Administrator of Nutrition Monitoring and Related Research as the coordinator for the program. The section also establishes that the Administrator will be an individual who is eminent in the field of nutrition monitoring and related areas, and be selected on the basis of his or her established record of expertise and distinguished service. The Administrator will administer the coordinated program with the advice and counsel of the joint chairpersons of the Board, serve as the focal point for the coordinated program, and serve as the Executive Secretary for the National Nutrition Monitoring Advisory Council.

Section 102(a) outlines the functions of the Secretaries, with the advice of the Board, which are to: (1) establish the goals of the coordinated program and identify the activities required to meet such goals, and identify the responsible agencies with respect to the coordinated program; (2) update the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System, and integrate it into the coordinated program; (3) ensure the timely implementation of the coordinated program and the comprehensive plan prepared under Section 103 of the bill; (4) include in the coordinated program and the comprehensive plan a competitive grants program, in accordance with the provisions of this Act, to encourage and assist the conduct, by Federal and non-Federal entities on an appropriate matching funds basis, of research that will accelerate the development of uniform and cost-effective standards and indicators for the assessment and monitoring of nutritional and dietary status and for relating food consumption patterns to nutritional and health status; (5) include in the coordinated program and the comprehensive plan a grants program, in accordance with the provisions of this Act, to encourage and assist State and local governments in developing the capacity to conduct monitoring and surveillance of nutritional status, food consumption, and nutrition knowledge and in using such capacity to enhance nutrition services; (6) include in the coordinated program each fiscal year an annual interagency budget for each fiscal year of the program; (7) foster productive interaction, with respect to nutrition monitoring and related research, among Federal efforts; State and local governments, the private sector, scientific communities, health professionals, and the public; (8) contract with a scientific body, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology, to interpret available data analyses, and publish at minimum every two years, a report on the dietary, nutritional, and health-related status of the people of the United States and the nutritional quality of the national food supply; and (9) foster cost recovery management techniques in the coordinated program and impose appropriate charges and fees for publications of the coordinated program, including print and electronic forms of data and analysis, and use the proceeds of such charges and fees for purposes of the coordinated program (except that no charge or fee imposed on an educational or other nonprofit organization shall exceed the actual costs incurred by the coordinated program in providing the publications involved).

Section 102(b) requires the Secretaries to submit an annual report to the President for transmittal to Congress by January 15 of each year. That report shall: (1) evaluate the progress of the coordinated program; (2) summarize the results of such coordinated program components as are developed under Section 103 of the bill; (3) analyze the dietary, nutritional, and related health status of the people of the United States, the nutritional quality of the national food supply, the relevant policy implications of the analytical findings, and future nutrition monitoring and related research priorities; (4) include in full the annual report of the Council provided for in Section 202 of the bill; and (5) include an executive summary of the report most recently published by the scientific body as provided for in subsection (a)(8) of Section 102 of the bill.

Section 103(a) outlines the various aspects which a comprehensive plan for national nutrition monitoring and related research shall include. They are: (1) assess, collate data with respect to, analyze, and report, on a continuous basis, the dietary and nutritional status of the people of the United States; (2) assess, analyze, and report, on a continuous basis, for a representative sample of the low income population, food and household expenditures, participation in food assistance programs, and periods experienced when nutrition benefits are not sufficient to provide an adequate diet; (3) sponsor or conduct research necessary to develop uniform indicators, standards, methodologies, technologies, and procedures for conducting and reporting nutrition monitoring and surveillance; (4) develop and keep updated a national dietary and nutritional status data bank, a nutrient data bank, and other data resources as required; (5) assist State and local government agencies in developing procedures and networks for nutrition monitoring and surveillance; and (6) focus the activities of the Federal agencies.

Section 103(b) requires that the comprehensive plan, at a minimum, shall include components to: (1) maintain and coordinate the National Health and Nutrition Examination Survey and the Nationwide Food Consumption Survey; (2) provide, by 1990 for the continuous collection, processing and analysis of nutritional and dietary status data and to permit accelerated data analysis; (3) maintain and enhance other Federal nutrition monitoring efforts such as the Centers for Disease Control Nutrition Surveillance Program and the Food and Drug Administration Total Diet Study; (4) incorporate, in survey design, military and (where appropriate) institutionalized populations; (5) complete the analysis and interpretation of the data sets from the surveys described in paragraph (1) of the bill prior to 1984 within the first year of the comprehensive plan; (6) improve the methodologies and technologies, including those suitable for use by States and localities, available for the assessment of nutritional and dietary status and trends; (7) develop uniform standards and indicators for the assessment and monitoring of nutritional and dietary status for relating food consumption patterns to nutritional and health status; (8) establish national baseline data and procedures for nutrition monitoring; (9) provide scientific and technical assistance, training, and consultation to State and local governments for the purpose of obtaining dietary and nutritional status data and developing related data bases and networks to promote the development of regional, State and local data collection service to become an integral component of a national nutritional status network; (10) establish mechanisms to identify the needs of users of nutrition monitoring data and to encourage the private sector and the academic community to participate in the development and implementation of the comprehensive plan; (11) compile an inventory of Federal, State, and nongovernment activities related to nutrition monitoring and related research; (12) focus on national nutrition monitoring needs while building on the responsibilities and expertise of the individual membership of the Board; (13) administer the coordinated program, define program objectives, priorities, oversight, responsibilities, outcomes, and resources; and (14) provide a mechanism for periodically evaluating and refining the coordinated program and the comprehensive plan that facilitates cooperation and interaction by State and local governments, the private sector, scientific communities, and health care professionals.

Section 103(c) requires that the comprehensive plan allocate projected activities under the coordinated program among the Federal agencies and offices that will be involved. Section 103(d) outlines the details regarding the submission and availability of the comprehensive plan. The comprehensive plan shall: (1) be submitted in draft form to the President for submission to Congress, and for public review, within twelve months after the date of the enactment of the Act; (2) be available for public comment for a period of sixty days after its submission in draft form under paragraph (1) by means of publication in the Federal Register; (3) be submitted in final form, incorporating such needed revisions as may arise from comments received during the review period, to the President for submission to Congress within sixty days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and (4) constitute the basis on which each agency participating in the coordinated program requests authorizations and appropriations for nutrition monitoring and related research during the ten-year period of the program. Section 103(e) ensures that nothing in Section 103 of this Act can be construed as modifying or authorizing the secretaries or the comprehensive plan to modify any provision of an appropriation Act that specifies either the department or agency to which funds are appropriated or the obligations of such a department or agency with respect to the use of such funds.

Section 104(a) provides for the implementation of the comprehensive plan. The comprehensive plan should be carried out during the period ending with the close of the ninth fiscal year following the fiscal year in which the comprehensive plan is submitted in its final form under section 103(d)(3) of the bill and shall be: (1) carried out in accord with, and meet the program objectives specified in, section 103(a) and paragraphs (1) through (11) of section 103(b) of the Act; (2) managed in accord with paragraphs (12) through (14) of section 103(b) of the bill; (3) carried out, by the Federal agencies involved, in accord with the allocation of functions and activities under section 103(c) of the bill; and (4) funded by appropriations made to such agencies as described in section 106 of the Act, for each fiscal year of the program. Congress through its appropriate authorizing committees shall exercise continuing oversight over the coordinated program, taking into account the secretaries' annual reports and such other information and data as may be developed. Section 104(b) ensures that nothing in this Title may be deemed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new critieria, standards, or requirements for regulation under existing law.

Section 105 requires the secretaries to coordinate scientific research and development by the National Science Foundation, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, and other participating Federal agencies in support of the coordinated program and the comprehensive plan as is necessary.

Section 106(a) states that authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form under Section 103(d)(3) of this Act and for the nine succeeding fiscal years, for purposes of carrying out the coordinated program and implementing the comprehensive plan, shall be requested by the Secretaries and by each of the agencies that are allocated responsibilities under the coordinated program under section 103(c) of this Act, in a separate line item of the budget of the agency involved and consistent with the interagency budget for the coordinated program. Section 106(b) states that nothing in this title is intended either (1) to authorize the appropriation or require the expenditure of any funds in excess of the amount of funds that would be authorized or expended for the same purposes in the absence of the coordinated program, or (2) to limit the authority of any of the participating agencies to request and receive fund for those purposes (for use in the coordinated program) under other laws.

Title II Section 201(a) requires the President to establish within ninety days after the date of the enactment of this Act, a National Nutrition Monitoring Advisory Council. The Council shall assist in carrying out the purposes of this Act, provide scientific and technical advice on the development and implementation of the coordinated program and comprehensive plan, and serve in an advisory capacity to the Secretaries. The Council shall consist of eleven voting members, of whom seven members shall be appointed by the President; and four members shall be appointed by Congress, one by the Speaker of the House of Representatives, one by the minority leader of the House of Representatives, one by the President pro tempore of the Senate, and one by the minority leader of the Senate. The Council shall also include the joint chairpersons of the Board as ex officio nonvoting members.

Section 201(b) outlines the qualifications of those appointed to the Council. Each person appointed to the Council shall be: (1) eminent in the field of administrative dietetics, clinical dietetics, community nutrition research, public health nutrition, nutrition monitoring and surveillance, nutritional biochemistry, food composition and nutrient analysis, health statistics management, epidemiology, food technology, clinical medicine, public administration, health education, nutritional anthropology, food consumption patterns, food assistance programs, agriculture, or economics; and (2) selected solely on the basis of an established record of distinguished service. Sections 201(c) and (d) details the required affiliations of those appointed to the Council. The persons appointed by the President shall include: (1) one member who is a director of a nutrition research unit that is primarily supported by Federal funds, and who has a specialized interest in nutrition monitoring; (2) one member who is an employee of a State government and has a specialized interest in nutrition monitoring; (3) one member who is an employee of a local government and has a specialized interest in nutrition monitoring; and (4) one member who is an appointed representative of the Food and Nutrition Board, National Academy of Sciences. In addition, the Council membership, at all times, shall have representatives from various geographic areas, the private sector, academia, scientific and professional societies, minority organizations, public interest organizations.

Section 201(e) sets the terms for the election of a Chairperson of the Council. The Chairperson shall be elected from and by the Council membership. The term of office of the Chairperson shall not exceed five years. In case a vacancy occurs in the Chairpersonship, the Council shall elect a member to fill such vacancy. Section 201(f) details the terms of office of the voting members of the Council and provides for appointments to fill vacant positions. The term of office of each of the voting members of the Council shall be five years, except that of the seven members first appointed by the President, one shall be appointed for a term of two years, three for terms of three years, and three for terms of four years, as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. No member shall be eligible to serve continuously for more than two consecutive terms.

Section 201(g) requires that the initial members of the Council be appointed or designated (without regard to the requirements of the Federal Advisory Committee Act) not later than ninety days after the date of enactment of this Act. Section 201(h) requires the Council to meet on regular basis at the call of the Chairperson, or on the written request of one-third of the members. A majority of the appointed members of the Council shall constitute a quorum. Section 201(i) requires that an appointed member of the Council not be employed by the Federal Government and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code. Section 201(j) permits the Administrator of Nutrition Monitoring and Related Research, if appointed under section 101(d) of the bill, to serve as the Executive Secretary of the Council.

Section 202 details the function of the Council. The Council shall: (1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan; (2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program; (3) recommend to the Secretaries, on an annual basis, means of enahancing the comprehensive plan and the coordinated program; and (4) submit to the Secretaries annual reports that shall contain the components specified in paragraphs (2) and (3) of this section of the bill, and that shall be included in full in the Secretaries' annual reports to the President of transmittal to Congress under section 102(b) of this Act.

Title III Section 301(a) requires the Secretaries to jointly issue and publish basic dietary guidelines for the general population based on scientific knowledge and the dietary and nutritional status of the population. Section 301(b) requires any Federal agency planning to issue dietary guidance to submit the text of the proposed guidance to the Secretaries for review prior to release. The Secretaries shall then determine within thirty days after such proposed guidance is submitted whether the proposed guidance is basic dietary guidance for the general population. If the Secretaries determine that any proposed dietary guidance is basic guidance for the general population, the Secretaries, within one hundred and eighty days after the date such determination is made, shall review such proposed guidance; and the guidance shall not be issued until the Secretaries have therefore approved the proposed materials and notified the head of the agency of such approval. If the Secretaries fail to jointly express any objection within that period, the submitting agency may release the dietary guidance.

V. AGENCY VIEWS

The Committee notes that the United States Department of Agriculture (USDA) has objections to H.R. 2436 and provides the following letter prepared by the USDA.

Department of Agriculture,
Office of the Secretary,
Washington, DC, September 17, 1986.

Hon. William V. Roth, Jr.,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: This is in response to your request of August 1, 1986, for a report on H.R. 2436, a bill "To establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan."

The U.S. Department of Agriculture (USDA) opposes enactment of H.R. 2436.

The bill would require the Secretary of Agriculture and the Secretary of Health and Human Services, acting jointly, to prepare and implement a comprehensive plan for a ten-year coordinated National Nutrition Monitoring Program. The purpose of the coordinated program would be to assess, on a continuing basis, the dietary and nutritional status of the people of the United States, the state of the art with respect to nutrition monitoring and related research priorities, and the relevant policy implications. In addition, the bill would require the coordinated program to include two grants programs. One of these would consist of competitive grants to assist Federal and non-Federal entities, on a matching funds basis, to conduct research for the development of uniform and cost-effective standards and indicators for assessment and monitoring. The other grants program would consist of grants to encourage and assist State and local governments in developing nutrition monitoring capacity.

The bill also would establish an Interagency Board for Nutrition and Related Research to assist in implementing the coordinated program, authorize the appointment of a full-time administrator for the coordinated program, and provide for the establishment of an eleven member Advisory Council. Annual reports would be required from the Secretaries and the Council, and a biennial report would be required from an outside scientific organization.

Finally, the bill requires the Secretaries to request authorizations and appropriations for the fiscal year in which the comprehensive plan is submitted in final form and for the nine succeeding fiscal years. However, neither a minimum nor a maximum funding level is set by the bill.

USDA is committed to the need for a comprehensive and well-coordinated National Nutrition Monitoring System. Such a system is currently being implemented jointly by USDA and the Department of Health and Human Services (DHHS) under a National Nutrition Monitoring Implementation Plan submitted to Congress in 1981 pursuant to the Food and Agriculture Act of 1977, Public Law 95-113.

As part of the 1981 Plan, USDA initiated a new type of survey, the Continuing Survey of Food Intakes by Individuals (CSFII), in the spring of 1985. A nationally representative sample of women 19 to 50 years of age at all incomes and their children 1 to 5 years of age were surveyed for their dietary intake and eating habits at regular intervals (one day's intake every two months) for 12 months. A similar survey was conducted using low-income women and their children as respondents. We are very proud of these new surveys, which are the culmination of much research and improvements in methodology, as well as in the nutrient data base with which data is interpreted.

The first results from the all income sample were released in December 1985, less than one year from the time of collection. We anticipate that the remaining data will be released in an equally timely fashion. A similar data collection effort is underway in 1986.

The next of the Nationwide Food Consumption Surveys (NFCS), conducted by USDA about every 10 years, will be conducted in 1987 and is being coordinated with DHHS' National Health and Nutrition Examination Survey (NHANES). These surveys are major components of the 1981 Plan. The 1981 Plan called for and has resulted in greatly increased efforts to coordinate the nutrition monitoring activities of the two departments. For example, DHHS is relying on USDA's national nutrient data base for the evaluation of dietary data collected in Hispanic HANES. Regular meetings are being held between the appropriate staff members of the departments to address questions of comparability between these two large surveys each with a different primary focus.

An evaluation of the nutritional status of the nation was published July 1986. This study, carried out by the Joint Nutrition Monitoring Evaluation Committee, is also part of the 1981 Plan. Such an examination of the data is planned on a regular basis.

Although any system can be improved, the Department has the following objections to H.R. 2436.

First, H.R. 2436 would be a hindrance to improvement of the current National Nutrition Monitoring System. The management structure as proposed—an Interagency Board, a possible administrator and an 11-member Advisory Council—would be cumbersome and likely to delay rather than enhance the achievement of the stated monitoring goals. In addition, the burden of providing adequate support to these management components would result in a reduction in staff time and resources for actual monitoring efforts.

Second, during this time of great pressure to reduce Federal spending, H.R. 2436 would result in increased expenditures. Additional funds would be needed to support the new grants programs, expanded data collection and new reports required by the bill. Contrary to the language in the bill saying nothing in the bill is intended to require expenditures above current levels, many of the bill's provisions clearly and unambiguously anticipate additional expenditures of federal funds.

Third, H.R. 2436 imposes an additional paperwork burden by requiring two annual reports, one by the Secretaries and one by the Advisory Council, as well as a biennial report by a scientific body. An additonal paperwork burden would also result from the need to expand current survey efforts in order to meet the coordinated program requirements.

Fourth, even though H.R. 2436 does not specifically impose an additional regulatory burden, increased pressure for expanded food labeling requirements could result from data made available through the survey efforts required in the bill.

These objections, along with the positive results from the current nutrition monitoring system, lead USDA to the conclusion that H.R. 2436 is unnecessarily and potentially harmful in achieving current monitoring goals, which are consistent with those of the proposed legislation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

PETER C. MYERS,
Deputy Secretary.

VI. ESTIMATED COST

Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed the cost implications of H.R. 2436. The following is CBO's estimate of the potential costs of this legislation:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 19, 1986.

Hon. William V. Roth, Jr.,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared a cost estimate for H.R. 2436, the National Nutrition Monitoring and Related Research Act of 1986, as ordered reported by the Senate Committee on Governmental Affairs on August 12, 1986. CBO estimates the cost to the federal government of this bill could be about $250,000 in fiscal year 1987, possibly increasing to about $300,000 in fiscal year 1991. The budgets of state and local governments would not be affected by the enactment of this legislation.

H.R. 2436 would establish a ten-year National Nutrition Monitoring and Related Research Program. The bill also establishes guidelines for a comprehensive plan that would coordinate nutrition monitoring activities and research and help set nutrition priorities in the United States.

Most of the costs of these activities are not included in this estimate. Section 106 of the bill states that Title I is not intended to authorize any funds above the current level of expenditures on nutrition monitoring and related research programs. The federal government currently funds several nutrition research programs. This bill would provide coordination of the current federal effort.

CBO has estimated costs for coordinating the program in fiscal years 1987 through 1991. Under the bill, the Secretaries of Agriculture and of Health and Human Services could appoint a full-time Administrator of Nutrition Monitoring and Related Research within four months of enactment. Funds for the salary and overhead for the administrator and additional staff would be needed. We estimate the costs for the administrator and two additional staff workers to be about $250,000. This could increase to about $300,000 in fiscal year 1991 due to increases in federal pay levels.

It is expected that Title III of the bill relating to dietary guidelines would result in no significant cost to the federal government.

Please call me or have your staff contact Michael Pogue (226-2820) if you have further questions.

With best wishes.

Sincerely,

James Blum
(For Rudolph G. Penner, *Director*).

VII. EVALUATION OF REGULATORY IMPACT

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate "the regulatory impact which would be incurred in carrying out the bill."

The adoption of this legislation will significantly improve the collection and analysis of nutrition and health related data. The Committee has determined that there will be a minimal increase in regulatory burden and paperwork in that the Secretaries of Health and Human Service and USDA will be required to submit an annual report to Congress.

VIII. CHANGES IN EXISTING LAW

Rule XXVI of the Standing Rule of the Senate requires that changes in existing law made by the bill, as reported, be detailed in the Committee Report accompanying the bill. H.R. 2436 will require no changes in current law.

IX. COMMITTEE VOTE

On August 12, 1986, a quorum being present, the Committee on Governmental Affairs agreed, by voice vote, to report H.R. 2436 favorably to the Senate. No opposition to the bill was registered by any member.

○

99th Congress
2nd Session

SENATE

Report
99-537

CHILD PORNOGRAPHY AND PEDOPHILIA

REPORT

MADE BY THE

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

October 9 (legislative day, October 6), 1986.—Ordered to be printed

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99TH CONGRESS
2d Session

SENATE

REPORT
99-537

CHILD PORNOGRAPHY AND PEDOPHILIA

OCTOBER 9 (legislative day, OCTOBER 6), 1986.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

I. INTRODUCTION

A decade ago, the sexual abuse of children was a subject that came to the attention of most Americans infrequently, if at all. Assault cases often were quietly kept out of the courts, and many police departments viewed such cases as little more than time-consuming social work. Child molesters were more often the target of jokes than investigations. For millions of Americans, child sexual abuse was a problem that was out of sight and out of mind.

During the late 1970s, however, reports of child sexual abuse slowly began to increase, and so did public awareness of the problem. The American Association for Protecting Children, a subsidiary of the American Humane Association, noted a ten-fold increase in the number of children reported to be sexual abuse victims from 1976 to 1983,[1] but it was not until the following year that the problem was presented to the general public as a "crisis." Beginning in 1984 and throughout 1985, child sexual abuse was almost constantly in the national focus. Networks and local TV stations devoted scores of prime-time hours to its exposure; hundreds of newspapers and magazines ran lengthy accounts of child sexual assaults and pornography rings; grocery bags and milk cartons began to carry the faces of missing children; citizen awareness groups sprang up around the country; police agencies that once paid scant attention to the problem began establishing special training programs for their officers and setting up child sex crime units; the National Center for Missing and Exploited Children was established in Washington, D.C.; and in Congress, from 1983 to mid-1986 a total of

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[1] American Humane Association/American Association for Protecting Children, *Highlights of Official Child Neglect and Abuse Reporting;* Denver, CO, 1984, p. 17.

194 bills and 13 hearings focused specifically on some aspect of child abuse or child sexual exploitation.[2]

With this unprecedented attention came an exponential increase in the reporting of child sexual abuse, believed by some to be the most underreported major crime in America.

Reports increased dramatically throughout the United States—in Farm Belt states and in the nation's largest cities, in West Coast beach towns and East Coast industrial centers, in the neighborhoods of the affluent, the middle class and the poor. A 1985 report by the New York-based Child Welfare League of America said child sexual abuse reports rose 59 percent from 1983 to 1984.[3] In Delaware and Idaho reports nearly doubled from 1983 to 1984; in Oregon they rose 129 percent; and in Wisconsin, they went up by 132 percent.[4] In Houston, police received 1,600 reports of child sexual assaults in 1985, more than double the total in 1983.[5] In virtually all cases the extraordinary rise in sexual abuse statistics reflected a state's or city's increased efforts to discover and investigate such crimes, rather than a sudden increase in molested children over years past. And yet there is wide agreement that even these are conservative figures.[6]

The following are just a few of the many cases that attracted national attention during 1984 and 1985:

> In Manhattan Beach, California, in the Spring of 1984, seven employees of a day care center were charged with 207 counts of rape, sodomy and other abuses, involving at least 41 children over a six-year period. Doctors confirmed that 37 of the children showed physical signs of molestation. After a grueling pre-trial hearing lasting several months, many parents withdrew their children as witnesses after watching other children undergo lengthy cross-examination by defense attorneys. Later the Los Angeles County District Attorney dropped all charges against five of the seven defendants, citing a lack of evidence.[7]
>
> In 1985 a Roman Catholic priest was convicted of molesting over a period of years at least 37 boys, among them altar boys and members of the parish Boy Scout troop in Henry, Louisiana. Depositions in the case disclosed that the priest's supervisors had confronted him with such allegations as far back as 1974 and had received similar complaints from parents in 1977. Yet the supervisors did not alert police and still allowed the priest to work with children. More than a dozen civil suits were filed against the diocese by the families and $4.2 million in damages already has been awarded.[8]

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[2] Report to Subcommittee by Congressional Research Service, Washington, June 1986.

[3] Child Welfare League of America, *Too Young to Run: The Status of Child Abuse in America;* New York, February 1985, p. 5.

[4] *Ibid.*, p. 10

[5] Subcommittee staff interview with Sgt. William D. Brown, Vice Division, Houston, TX, Police Department, February 1986.

[6] National Committee for the Prevention of Child Abuse, "The Size of the Child Abuse Problem"; Chicago, February 1985, p. 2; Sally Squires, "Who Would Sexually Abuse a Child?"; *The Washington Post* "Health" Magazine, June 19, 1986, p. 7.

[7] Ted Rohrlich and Lois Timnick, "McMartin Flaw: Gaps in Evidence"; *The Los Angeles Times*, Jan. 27, 1986, p. 4

[8] Jon Nordheimer, "Sex Charges Against Priest Embroil Louisiana Parents"; *The New York Times*, June 20, 1985, p. A–24.

> In Tampa, Florida, Eric Cross, who had been convicted of molesting young girls in four countries, was indicted for allegedly distributing child pornography *while in prison on a molestation charge.* He was convicted on 19 counts of distributing child pornography and other charges and sentenced to a 95-year prison term.[9]

As a large number of cases illustrate, child molesters come from virtually every type of background in society. In the past two years those convicted on such charges have included police officers, politicians, judges, physicians, lawyers, journalists, grandmothers, teachers and military officers, among others. To their neighbors and co-workers they were often respected, responsible members of the community, remembered by some acquaintances as being "great with kids." Many were active in church, school and sports organizations. The stereotype of the child molester as a menacing deviate lurking in public places obviously does not apply to many of them.

With these events as a backdrop, the Senate Permanent Subcommittee on Investigations in early 1984 began an investigation of child pornography and pedophilia—the abnormal sexual desire of an adult for pre-pubescent children. Subcommittee investigators interviewed more than 200 people in more than 30 states, including convicted child molesters, pornographers, pro-pedophilia activists, molestation victims, investigators, judges, prosecutors, psychiatrists and child protection workers. The Subcommittee also reviewed thousands of documents, including arrest reports, victim statements, pedophile correspondence, newsletters, child pornography catalogs, films, videotapes and magazines. Finally, the Subcommittee held three days of public hearings—on Nov. 29 and 30, 1984 and Feb. 21, 1985—for further exploration of the issues and questions raised during the investigation.[10]

The investigation's primary focus was on child pornography and pedophile activities in the United States, but because of the importance of the Netherlands, Denmark and Sweden in the international distribution of child pornography, the Subcommittee also examined efforts to combat child pornography in those countries.[11]

The Subcommittee found that while the growth in the number of reports of abuse and sexual exploitation of children is cause for continuing concern, recent Federal laws—notably the Child Protection Act of 1984—are beginning to show significant results in the battle against these evils. The public perception of an "epidemic" of child abuse and child pornography reports and arrests, which has led to demands for even tougher laws, may actually be testimony to the effectiveness of the existing laws in providing authorities with the tools to arrest and convict child abusers and pornographers. In addition, the economic impact of the child pornography industry often tends to be overstated. The most significant to society from this practice cannot be measured in economic terms; instead, it must be measured in terms of the extent of physical and psychic damage to innocent children brought about by the production and use of child pornography.

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[9] John Dorschner, "The Child Seducer"; *The Miami Herald* "Tropic" Magazine, Oct. 9, 1983, pp. 14-21; Subcommittee staff interview with Special Agent Barry Carmody, Federal Bureau of Investigation, Tampa, FL, March 1986. (Also see pp. 39-41.)

[10] Permanent Subcommittee on Investigations, United States Senate, *Child Pornography and Pedophilia;* S. Hrg. 98-1277, Part 1, Nov. 29-30, 1984; S. Hrg. 99-18, Part 2, Feb. 21, 1985 (*Hearings*).

[11] The U.S. Customs Service estimated in 1985 that 85 percent of the child pornography seized as it was entering the United States came from Denmark and the Netherlands; see pp. 29-34.

II. ORGANIZED CRIME

Because of the Subcommittee's historic interest in the activities of organized crime, an effort was made to obtain any information that might show a direct link between organized crime and the distribution of child pornography in the United States. The Subcommittee interviewed former child pornography distributors, federal informants, pedophiles, prosecutors and law enforcement officials from the United States, Canada and Europe. No one produced definitive evidence that traditional organized crime groups, such as La Cosa Nostra, have any appreciable influence on the production or distribution of true pedophile-oriented child pornography. Nor was evidence found of any widespread involvement, much less control, of child pornography distribution by other ethnic crime organizations or criminal groups, such as motorcycle gangs.

There is evidence that La Cosa Nostra crime families are involved in the production and distribution of commercial *adult* pornography.[12] A small portion of this market may include underaged models, usually 16 or 17, and some material appears to show legal-aged models who are dressed and made up to look like minors. While any sexually explicit material involving persons of this age is usually harmful, if not illegal, for purposes of this report child pornography refers to material involving children under 13.

After extensive inquiries, the Subcommittee has concluded that the distribution of child pornography in the United States is largely carried out by individual pedophiles, who produce this material and trade it among themselves or order it through the mail from other countries. In the few instances when police have uncovered commercial child pornography operations, they paled in comparison to the sophistication and profits of adult pornography distributors, and were not controlled by traditional organized crime. One such organization was run by Cathy Wilson, who at the time of her arrest in California in 1983 was believed to control about 80 percent of the commercial child pornography trade in the United States.[13] Wilson told Subcommittee investigators in August 1984 that "the Mafia" had not been involved in her operation or that of any other child pornographer with whom she dealt during the 1970s and early 1980s.[14] Richard Trolio, once a business partner of Wilson's who later became a federal informant against her, told the Subcommittee he agreed with Wilson's assessment.[15]

Economics probably plays a major part in organized crime's lack of interest in child pornography. The adult sex industry (magazines, videotapes, X-rated movie theaters, nightclubs, massage parlors, "dial-a-porn" and "escort" services, etc.) operates legally in much of the country and grosses several billion dollars annually.[16] Conversely, the commercial child pornography industry has declined substantially in recent years.[17]

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[12] California Department of Justice, *Organized Crime in California, 1982-83;* Sacramento, 1984, pp. 14-15.

[13] "Case Synopsis," Administrative Vice Division, Los Angeles Police Department, May 7, 1982 (copy retained in Subcommittee files).

[14] Subcommittee staff interview, August 1984.

[15] Subcommittee staff interview, August 1984.

Perhaps equally discouraging to organized crime is the aggressive enforcement of the 1984 federal child pornography statutes,[18] which carry 10-year prison terms for production, importation or distribution of the material. In comparison, violations involving adult pornography are often treated as misdemeanor obscenity cases, when they are prosecuted at all.

III. PROSECUTIONS BY THE DEPARTMENT OF JUSTICE

On February 6, 1978, Congress enacted Public Law 95–225, the Protection of Children Against Sexual Exploitation Act of 1977. This legislation added sections 2251 through 2253 to Title 18 of the United States Code to deal specifically for the first time with the problem of child pornography. Efforts by prosecutors to obtain convictions under these statutes, however, were hampered by a provision in the law that the pornographic material in question had to be produced or distributed for "commercial" purposes in order to warrant prosecution. Since most child pornographers in the United States tend to trade child pornography among themselves rather than sell it, the Department of Justice was forced to rely primarily upon sections 1461–1465, Title 18 of the U.S. Code, the federal obscenity statutes, to prosecute child pornographers.

Congress moved to close this loophole on May 21, 1984, by amending the child pornography statutes to delete the "commerciality" requirement and a requirement that the disseminated material be legally obscene.[19] The amendments, which also added civil and criminal forfeiture provisions to the statutes, now appear as sections 2251–2255, Title 18, U.S. Code. The effect of these amendments on the Department of Justice's ability to prosecute child pornography cases has been dramatic: from 1978 to April 1984, the Department obtained 64 convictions; between May 1984, and June 1986, at least 164 convictions were obtained.[20]

	Indictments	Convictions
Year:		
1978	13	13
1979	1	1
1980	11	10
1981	14	15
1982	19	7
1983	6	15
1984 (pre-Act)	5	3

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[16] Gregory Stricharchuk, "'Porn King' Expands His Empire With Aid of Businessman's Skills"; *The Wall Street Journal*, May 8, 1985, p. 1.

[17] U.S. Customs Service seizure reports, February 1986; Subcommittee staff interview with Cathy Wilson, *op. cit.;* Subcommittee staff interview with Joyce Karlin, Assistant U.S. Attorney, Los Angeles, August, 1984.

[18] See following section.

[19] Child Protection Act of 1984, P.L. 98–292.

[20] Report to Subcommittee by Criminal Division, U.S. Department of Justice, June 1986.

	Indictments	Convictions
1984 (post-Act)	55	35
1985	123	102
1986 (May)	24	27

IV. PEDOPHILIA

The terms pedophile and pedophilia have been so widely used in the news media in recent years that their clinical definitions sometimes are overlooked. Many references to "pedophiles" seem to indicate the term is applied to any adult who is sexually attracted to a legal minor. That is not the case, and the distinction is worth noting.

Pedophilia, literally "love of a child," as used in this report refers to the condition in which an adult's primary sexual attraction is to prepubescent children—roughly between six and twelve years of age.[21] While many cases exist in which true pedophiles have been involved with children below and above those age boundaries, the vast majority fall between them. (A less-commonly used term, hebephilia, describes an adult's sexual attraction to adolescents. This more accurately defines the offenders involved in teenage prostitution, for example, than does the often-misused label, pedophile.) Pedophiles normally have little interest in adolescents who are beginning to reach sexual maturity; it is, in fact, the very lack of sexual development, the childish innocence, that arouses most true pedophiles. The term pedophile is often misused when applied to all child sex crime offenders. Experts agree that many children are assaulted simply because they are available and, of course, more easily overpowered than an adult. The true pedophile, as a rule, does not commit violent acts against his victim.

Pedophiles often are attracted to children within a specific age range—boys from 8 to 10, girls under 9, etc.—and there is some evidence to show this preference may develop because it was the same age at which the molester was also first molested as a child.[22] Many studies have shown a large percentage of convicted child molesters were themselves molested as children.[23]

While pedophiles come from virtually all social, racial, ethnic and age groups, therapists and investigators have been able to arrive at some common characteristics many of them seem to share. Pedophiles normally are divided into two categories—regressed and fixated. An authoritative psychiatric profile described them in this way: [24]

> The [fixated] offender has never developed emotionally or intellectually. He feels comfortable around children and uncomfortable around adults. He sees the child as an adequate sexual partner who will enjoy the experience. He shows no guilt or shame afterwards. This offender will be

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[21] Kenneth V. Lanning, *Child Molesters: A Behavorial Analysis;* National Center for Missing and Exploited Children, Washington, February 1986, pp. 1-2.

[22] Sharon Araji and David Finkelhor, "Abusers: A Review of the Research," in Finkelhor, *A Source Book on Child Sexual Abuse* (Beverly Hills: Sage, 1986), p. 103.

[23] Lanning, *op. cit.*, p. 11.

[24] M. Cohen, T. Seghorn and W. Calmas, "Sociometric Study of the Sex Offender," *74 Jnl. Abnormal Psychology* (1969), pp. 249-255.

> passive, dependent, immature, lonely, inadequate, with low self-esteem. He knows right from wrong and will be law-abiding apart from child molestation. He will have dated little and rarely be married. His immaturity will mean that his work, social and personal adjustment will be poor. He will often be employed in menial jobs and prefer to work around children. He seeks children out as companions and in his jobs, so he may be found working with children in his job or as a recreation.
>
> The [regressed offender] is reasonably well adjusted. He will have no criminal record (apart from child molestation) and will have a good job, social and personal adjustment. He will have dated and typically be married. However, under stress, especially threats to his masculinity, he regresses to immature behavior. So if he is fired, or criticized at work, or if his wife has an affair or criticizes him, he may begin to drink alcohol and impulsively choose a nonthreatening female sexual partner (a child). After the experience, he will realize what he has done and feel guilt and shame. He deals with this guilt by attributing his behavior to alcohol.

V. MEETING AND SEDUCING CHILDREN

> *I used all the normal techniques used by pedophiles. I bribed my victims, I pleaded with them, but I also showed them affection and attention they thought they were not getting anywhere else. Almost without exception every child I molested was lonely and longing for attention.*—JOSEPH HENRY[25]

A determined pedophile quickly masters the art of meeting and engaging the trust of children. Pedophiles are constantly seeking out new ways of drawing children into their confidence without raising suspicions.

Those who seek frequent contact with children, and either have no criminal record or believe it would not be discovered, may find employment as day care center workers, recreation directors, video arcade managers, Little League coaches, scout leaders, Big Brothers, schoolteachers or in a host of other occupations where children are present. In a study of 40 pedophile cases by FBI Special Agent Kenneth Lanning and Dr. Ann Burgess, almost half of the offenders used their occupations to encounter children.[26]

Other pedophiles have located children through babysitting, neighborhood contacts and volunteer organizations. Many have met their eventual victims through adult relationships with parents, as friends, co-workers, counselors, etc.

A number of cases have involved people in positions of authority—people to whom even careful parents often entrust their children, such as priests, teachers and police officers. These cases are cited not to undermine faith in these professions, but to emphasize that a pedophile's all-consuming desire for children will often outweigh his position of trust in the community.

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[25] *Hearings*, Part 2, p. 8.

[26] Kenneth V. Lanning and Ann Wolbert Burgess, "Child Pornography and Sex Rings," *FBI Law Enforcement Bulletin*, Washington, January 1984, p. 11.

Some pedophiles expose themselves to children or attempt to lure them into their cars or homes with presents, promises and deception, but these cases represent a small minority of the molestation incidents investigated by police officials in the United States. Fortunately, the stereotype of the child molester as a dirty, leering stranger on a park bench is disappearing as awareness of the true nature of pedophilia grows.

The words of a pedophile provide the best description of the thought process involved in attempting to meet and seduce children. Following is an anonymously-written excerpt from *How to Have Sex With Kids*, a booklet published by David Sonenschein, an Austin, Texas, author who has written extensively about pedophilia:

> The important thing about meeting kids is that it happens best when you meet in places or in doing things that interest both of you. Like in video game arcades, kids can tell if you're just in there cruising for sex, or are there because you like playing the games. The same with sports and sporting events. You can meet kids anywhere you go that you're interested in going, and what's important about this is you've got a right to be where you are. Like your own neighborhood. You have a right to walk around, talk to people there, and get to know who's who . . .
>
> It's also a good idea to get to know parents. Sometimes you can get babysitting tasks or you can just take the kids places when they know you and know that the kids like being with you. Sometimes parents can introduce you to other kids too.[27]

Once the pedophile has gained private access to the child, he then must convince the child to cooperate. According to Nicholas Groth, a psychiatrist who has worked with many pedophiles in the Connecticut prison system, "The most commonly used technique of luring the child into . . . sexual activity is by capitalizing on the child's need for attention, approval, and human contact." [28]

Convicted child molester Joseph Henry, who molested 22 girls aged six to fourteen over a period of nearly 30 years, testified before the Subcommittee about the techniques he used to manipulate children:

> . . . I would take my victims to movies and to amusement parks. When I babysat them, I would let them stay up past their bedtime if they let me fondle them. One little 8-year-old girl I was babysitting came over to my house one day soaking wet from a rainstorm. I told her I'd pay her $1 if she would stay undressed for an hour. This incident opened the door for three years of molestation.[29]

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[27] David Sonenschien, ed., *How to Have Sex With Kids;* Austin, TX, 1983, pp. 6–7 (copy retained in Subcommittee files).

[28] A. Nicholas Groth with H. Jean Birnbaum, *Men Who Rape: The Psychology of the Offender* (New York: Plenum, 1979), p. 142.

[29] *Hearings*, Part 2, p. 8.

VI. USE OF CHILD PORNOGRAPHY

No single characteristic of pedophilia is more pervasive than the obsession with child pornography. The fascination of pedophiles with child pornography and child erotica has been documented in many studies and has been established by hundreds of arrests of pedophiles who are found to possess a large amount of sexually explicit material involving children.

Detective William Dworin of the Los Angeles Police Department estimates that of the 700 child molesters in whose arrest he has participated during the last ten years, more than half had child pornography in their possession. About 80 percent owned either child or adult pornography.[30]

Each convicted child molester interviewed by the Subcommittee either collected or produced child pornography, or both. Most said they had used the material to lower the inhibitions of children or to coach them into posing for photographs.

It is not unusual for pedophiles to possess collections containing several thousand photographs, slides, films, videotapes and magazines depicting nude children and children engaged in a variety of sexual activities—alone, with other children, with adults, and even with animals. In some child pornography, the children depicted are infants and toddlers, some as young as 18 months.[31] Rainer Hernandez, a California college student who testified before the Subcommittee about his experience as a molestation victim, reported that when Los Angeles Police officers searched the home of his uncle, who had molested Mr. Hernandez for four years when he was a teenager, they found thousands of sexually explicit photos of children.[32] In many other cases police have discovered extensive collections carefully indexed, often on home computers, by age of the children, origin of the material and type of sexual activities performed. A man in Austin, Texas analyzed an entire collection of child pornography magazines by the emotions shown on the children's faces—boredom, pleasure, pain, etc.[33]

In testimony before the U.S. Senate Subcommittee on Juvenile Justice on August 8, 1984, Special Agent Kenneth Lanning of the FBI's Behaviorial Science Unit, a recognized expert on pedophilia, elaborated on the pedophile's fascination with child pornography:

> They (pedophiles) typically collect books, magazines, articles, newspapers, photographs, negatives, slides, movies, albums, drawings, audio tapes, videotapes, personal letters, diaries, sexual aids, souvenirs, toys, games, lists, paintings, ledgers, etc., all relating to children in either a sexual, scientific or social way. Not all pedophiles collect all these items. Their collections vary in size and scope. However, the maintenance and growth of their collections becomes one of the most important things in their life. . . They may hide their collections, move them, or even give them

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[30] Subcommittee staff interview, September 1985.

[31] *Hearings*, Part 1, p. 33.

[32] *Hearings*, Part 2, p. 18.

[33] Austin, TX Police Department, evidence seized in search of the home of David Sonenschein, August 1984.

> to another pedophile, but they almost never destroy them.[34]

Experts cite seven primary reasons that pedophiles collect child pornography:

1. Justification.—A pedophile needs to know or to convince himself that his obsession is not "abnormal" and dirty, but is shared by thousands of other intelligent, sensitive people. The collection and trading of child pornography, along with scientific and academic articles justifying pedophilia, accomplishes this goal. Pornography also provides pedophiles with a common currency, a mutually desired possession which can be bought, sold and traded in order to develop trust and camaraderie with fellow pedophiles.[35]

The pedophile's collection includes lists of names, addresses and phone numbers of other pedophiles, and correspondence received from such persons. These lists are guarded like gold, often kept in safe deposit boxes or secretly hidden in the pedophile's residence. They not only provide contacts for the pedophile, but they further reinforce the belief that because so many others engage in the same activity, it must not be as "wrong" as society believes. This constant need for validation and support from other pedophiles, however, often overcomes the instinct for caution. Enticed by fantasy letters about child sex or promises of exchanging child pornography, many pedophiles have been trapped by police through the simple exchange of letters.

2. Arousal.—In the same way others use adult pornography, pedophiles use child pornography to stimulate their sexual drive and to aid in masturbation. While some pedophiles may only fantasize about the material, Lanning suggests that "the arousal and fantasy fueled by the pornography is only a prelude to actual sexual activity with children." [36]

3. To lower a child's inhibitions.—Many pedophiles firmly believe children enjoy sex with adults and that pictures of this activity will convince reluctant children to more freely participate. "Peer pressure has a tremendous effect on children," Lanning testified. "If other children are involved, maybe it is all right, the child thinks. In the pornography used to lower inhibitions, the child portrayed will appear to be having a good time." [37]

In two cases examined extensively by Subcommittee investigators, convicted molesters Joseph Henry and Donald Woodward acknowledged that they showed their victims child pornography in an effort to lower their inhibitions and even to suggest specific sex acts. In letters written by Woodward to other pedophiles, he explained specifically what he had in mind for the child pornography he was sending or receiving:

> I've just mailed you, in a separate envelope, a bunch of material on (the two children he was convicted of molesting). I need this material back before 7/23 for use as "bait" in a plan I'll tell you all about if it comes off. Maybe bait

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[34] Subcommittee on Juvenile Justice, United States Senate, *Effect of Pornography on Women and Children*, S. Hrg. 98-1267, Aug. 8, 1984, p. 38.

[35] *Ibid.*, pp. 40–41.

[36] *Ibid.*, p. 43.

[37] *Ibid.*

> is the wrong word; they (the photos) are intended to be emulated by prospective participants . . .[38]
>
> . . . The photos of [his 10-year-old victim], of course, are to be samples of poses that I want them [other children] in, from mild and sweet, to hot and lewd . . .[39]

Woodward and his friends also found that a Polaroid camera came in handy during photo sessions with children. "I may just pick up a Polaroid . . . since kids always enjoy seeing how they look in pictures right away," Woodward wrote to another pedophile, "and I think it helps persuade them to go 'just a little farther' in the next shot . . ." [40]

4. Preservation of the child's youth.—Another principal reason for the collection of child pornography by pedophiles is to insure there will always be an image of the child at the age of sexual preference. "No matter how attractive any one child sexual partner is," Lanning testified, "there can be no long-term sexual relationship. All child victims will grow up and become sexually unattractive to the pedophile. However, in a photograph, a 9-year-old boy stays young forever." [41] Nor are the photographs always sexually explicit. Many pedophiles avidly collect photos of clothed children. Pederasts, or "boy-lovers" as they call themselves, quite often collect photos of young boys in sports outfits. William Thorne, a detective in the Bergen County, New Jersey, prosecutor's office, testified before the Subcommittee that in the arrest of James Cooper on molestation charges, officers found several hundred 35mm photographs of teenage boys at parks, swimming pools, ice rinks, video arcades, baseball games, even newspaper boys on their routes—all clothed, but usually wearing shorts (see pp. 20, 21). [42] Other pedophiles have collected department store catalog photos of young children in underwear.

5. Blackmail.—A child molester is consumed with the prospect of being caught. When he has taken sexually explicit photos of his victims, he not only has preserved the object of his desire for posterity, but he also has created an effective tool for keeping the child from revealing his abuse. If a child should threaten to tell his parents or authorities, the molester will remind him of the photos and tell him he will be punished or lose the affection of parents and siblings if the photos are revealed.[43]

6. A medium of exchange.—Agent Lanning testified that some pedophiles exchange photographs in order to gain access to other children. The quality and theme of the material (boy-boy, boy-girl, adult-child, etc.) determines its value. Because of this system of exchange, copying machines, slide enlargers and photo duplicating equipment are often used to produce duplicate copies of material which can be offered to other pedophiles.[44]

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[38] Donald Woodward, personal correspondence seized as evidence by Los Angeles Police Department.

[39] *Ibid.*

[40] *Ibid.*

[41] Subcommittee on Juvenile Justice, *op. cit.*, p. 42.

[42] *Hearings*, Part 1, p. 54

[43] Subcommittee on Juvenile Justice, *op. cit.*, pp. 43–44. Also see *Hearings*, Part 2, p. 18.

[44] Subcommittee on Juvenile Justice, *op. cit.*, p. 44.

7. *Profit.*—Although most pedophiles do not sell child pornography, some do. Usually this involves the sale of homemade films, tapes and photographs on a one-to-one basis to other pedophiles, to pornography distributors or to European pornographic magazine publishers.[45] Distribution on a wider scale is discussed on pages 29 to 41 of this report.

VII. CORRESPONDENCE AMONG PEDOPHILES

Correspondence among pedophiles provides a valuable source of information about their thoughts and behavior, as well as graphic and incriminating accounts of their crimes. For reasons apparently related to self-validation, ego and camaraderie, pedophiles often write to each other with detailed accounts of their activities and fantasies, as seen in numerous collections of pedophile correspondence seized by law enforcement authorities and reviewed by the Subcommittee. Some are pure flights of fancy, but many are chillingly real. These letters are rarely read and discarded; investigators report that many pedophiles keep them for years, even when their discovery would mean certain arrest.

This penchant for detail has been the undoing of hundreds of pedophiles and child pornography collectors. Numerous arrests are made each year by local police investigators and U.S. postal inspectors who acquire the names of likely pedophiles by various means, then write to them under assumed names, offering to buy or trade child pornography, children's names, addresses and similar enticements. The correspondence often results in a face-to-face meeting in which a crime is committed or police gain enough information to obtain a search warrant.

Convicted child molesters Joseph Henry and Donald Woodward wrote detailed letters to fellow pedophiles outlining the time and place of various criminal acts. Typically, the letters reflect the fear of discovery with which child molesters live. Despite the specificity of most letters, pedophiles repeatedly warn each other to be wary of the police. In one of Joseph Henry's first letters to convicted molester John Duncan, later identified as the leader of a child prostitution ring in Los Angeles, Henry wrote: "Let me put you at ease to the fact that I am NOT a cop, postal inspector, a police informant, or any other such person with a similar nature." [46] Ironically, Henry was unaware at the time that Duncan was using an alias, Lance Carlson. In succeeding letters Henry detailed his life history as a pedophile, apparently for his own and Duncan's arousal as well as to prove himself to Duncan. "Well, Lance," Henry wrote after an unusually graphic account of his molestation of an eight-year-old cousin, "the above is just a sample of my pedo experiences with my cousin. I hope I was explicit enough." [47]

Eventually Henry visited Duncan, who for a fee provided Henry with access to three young girls, whom he molested. At one point, Henry asked Duncan if a certain child whose father rented her out for $100 a night could be made available. "Perhaps some deal with

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[45] *Ibid.*

[46] Joseph Henry, personal correspondence seized as evidence by Los Angeles Police Department (copy retained in Subcommittee files).

[47] *Ibid.*

Chuck (the father) could be made to reserve (the girl) for one, two or maybe all three holiday weekends," Henry wrote. "I'd give Chuck $250 to have (the girl), say from noon Saturday until 6 p.m. Monday." [48]

When Duncan was arrested for child molestation, police found approximately 300 other letters from pedophiles. From reading the letters, the police identified 16 children, from 18 months to 16 years old, who had been "sold" by Duncan to other men for sexual purposes over a three-year period.[49]

Rarely do investigators find other criminals so willing to incriminate themselves in print, even to the point of discussing prices, intended victims and time of the act.

Woodward, a gifted engineer who did top-secret contract work for the Central Intelligence Agency and National Security Agency, used a simple code system in his letters for his ring of correspondents and victims, but he too went into explicit detail about crimes he had committed or planned to commit. He discussed the production, duplication and distribution of child pornography, and various acts of molestation.

Los Angeles Police Detective William Dworin, who has carried on correspondence with many pedophiles, was able to unravel an international child prostitution ring involving men from France, Panama and Italy, all through the seizure of correspondence between pedophiles. According to Dworin, "A conspiracy does exist among pedophiles. Magazines and personal contacts encourage the molestation of juveniles, train the closet pedophile, promote child pornography and reinforce the idea that sex with juveniles is both acceptable and necessary." [50]

Many law enforcement agencies have exploited pedophiles' penchant for incriminating themselves by devising false pedophile newsletters and pen pal organizations in order to identify child pornography distributors and child molesters. The most successful to date probably has been "Crusaders for Sexual Freedom," a sting operation originated in 1984 by U.S. Postal Inspector John Ruberti of Chicago. Ruberti reported that CSF developed evidence that led to the arrests of about 35 child molesters and child pornography traders.[51]

Several major metropolitan police departments use similar programs, which are time consuming but often effective. Such sting operations have become so popular with police that several investigators told the Subcommittee they had corresponded with suspected pedophiles for weeks only to later discover they were writing to other undercover police officers.

VIII. USE OF COMPUTERS BY PEDOPHILES

The computer age has produced an alternative, high-technology form of communication which enables pedophiles to find and correspond with one another with greater safety than letters or telephone calls would permit. In recent years, thousands of home computer users have learned to communicate with one another by leaving electronic messages on computer "bulletin boards." By using the proper access code, users can gain entry to entire communities of special interest, from electronic flea markets, to specialized hobbies, to explicit messages about a wide variety of sexual activities. The pedophile underground was quick to take advantage of this new, anonymous means of exchanging information.

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[48] *Ibid.*

[49] Subcommittee staff interview with Det. William Dworin, Los Angeles Police Department, June 1986.

[50] William Dworin, "Pedophilia—The Hidden Conspiracy: The Relationship Between Correspondence and the Pedophile"; Delinquency Control Institute, University of Southern California, Los Angeles, February 1981, p. 16.

[51] "The Silent Shame," NBC News documentary, August 1984.

Messages have appeared on computer bulletin boards offering to buy, sell or trade child pornography, establish correspondence about sexual interests, trade names of "available" children and even propose sexual liaisons. One article in a pedophile newsletter suggested that the speed and anonymity of bulletin boards are especially valuable to pedophiles, "given the fact that many of the positions we take are at or near the borderline of the law." [52]

An undercover officer from the West Coast told the *Los Angeles Times* in September, 1985, that he had left this message on a computer bulletin board: "Hi! My name is Billy. I'm 13 and I wonder if I can find a friend to tell me more about the life style." Within hours, the officer had received several dozen messages from adult men hoping to meet "Billy." [53]

Sgt. William Brown of the Houston Police Department was able to access "at least 30" bulletin boards of a sexually explicit nature, several of which contained ads for persons wishing to buy, sell or trade child pornography, correspond or meet with other pedophiles, and in some cases actually contact children.[54]

The bulletin boards actually are an electronic form of the classified ads that appear in sexually-oriented magazines throughout the country. The difference is that the computer operators can communicate with each other over the computer by using a device called a modem, which allows computers to share data over regular phone lines. Some of the networks available to computer users are free, while others require small annual dues ($10 to $20) to obtain the special codes needed to become "validated" and leave messages on a bulletin board. The bulletin board users, who normally use aliases, now have virtually complete anonymity because police are not authorized under current federal law to intercept computer conversations without a warrant based on probable cause. "We've seen that the (bulletin board) ads tend to be a bit more explicit," Brown reported, "because they (the senders) have a sense of anonymity or security. There's a likelihood they'll never be caught." [55]

Federal law does prohibit the transmission of obscene or indecent material across state lines, but the exchange of names between pedophiles, even if they were names of potential victims, could not be regulated under current law. Recently, attempts have been made in the U.S. Senate to ban the transmission of information over computer lines that facilitates the sexual abuse of children and also to prohibit the transmission of advertising that deals with child pornography.[56]

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[52] Scott Kraft, "Computer Game Helps Pedophiles Woo Children for Sex"; *The Los Angeles Times*, Sept. 16, 1985, p. 3.

[53] *Ibid.*

[54] Subcommittee staff interview, August 1985.

[55] *Ibid.*

The largest bulletin board accessed by Sergeant Brown was called "Lambda" and was based in San Francisco. It charged users $20 to obtain the code allowing them to leave messages. "Lambda" also had three telephone lines which enabled clients to carry on running conversations using their computers. Brown also identified three bulletin boards in Houston—"Free for All," "Zachary Net" and "Connection"—and one in Alexandria, Virginia, called "Switchboard," on which participants could exchange information about sexual interest in minors. Many of the systems indicate how many calls have come into the network, and Brown reported that he never saw one with fewer than 20,000 calls.[57]

Nicholas Battaglia of the San Jose, California, Police Department's vice section told the Subcommittee that as of May, 1985, he had developed four criminal cases on pedophiles based on information obtained through computer bulletin boards. In the Bay Area alone, Battaglia had found nine bulletin boards containing pedophile-related messages.

Battaglia believes electronic messages are replacing more traditional mail correspondence between pedophiles. "There's really an attitude that these are more safe," he said. "The ads and messages are more provocative, not secretive. You can't trace them through false names and you can't eavesdrop on computer conversations." He added that the increasing participation of law-enforcement officials in undercover letter-writing has forced many pedophiles "farther underground. You'll see more use of these bulletin boards and also the insistence that they meet you face-to-face. Letter writing is going out the window." [58]

IX. PEDOPHILE ORGANIZATIONS AND PUBLICATIONS

Several organizations whose members openly advocate adult sex with children have been active in the United States and Europe at least since the 1960s. The goals of these groups often are couched in legal and psycho-sexual arguments about "age of consent" laws and prevailing social attitudes, but at the heart of each group examined by the Subcommittee was a basic obsession with justifying "consensual" sex with children, regardless of age. In some cases, the groups' leaders were convicted child sex offenders. The groups range from anarchistic, underground clubs whose newsletters and philosophies are haphazard at best to well-organized, politically astute groups that march in parades and openly distribute literature.

Although primarily based in major cities, the American pedophile support groups have members throughout the United States and foreign countries. Subcommittee interviews with former members of these organizations, some of whom were imprisoned for child molestation, indicate that while they ostensibly exist to support such goals as "sexual liberation for all persons," these groups serve primarily as contact services for pedophiles. Like most clubs, they bring people of similar interests in touch with each other; in the case of pedophiles, however, the purpose of this contact often is to exchange child pornography and information about meeting children.

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[56] S. 1305, 99 *Cong. Rec.* S 8341, June 17, 1985; S. 2398, 99 *Cong. Rec.* S. 5214, May 1, 1986.
[57] Brown interview, *op. cit.*
[58] Subcommittee staff interview, June 1985.

Although most of the American pedophile organizations described in this report have been investigated, if not infiltrated, by police agencies, they are not normally prosecuted as criminal organizations. Instead, individual members are prosecuted for specific acts, even though they may have been aided by membership in the group. Most of the groups' activities (public meetings, newsletters, etc.) fall into constitutionally-protected areas. In addition, the depth of infiltration of these groups by police is severely limited by an officer's obligation never to allow a child to enter a situation in which he or she may be abused. If an officer successfully infiltrates an organization, he or she almost surely will obtain information about the possible molestation of a child, or actually be invited to participate in such activity. At that point, investigators point out, no responsible police agency could allow an officer to continue the undercover operation. Thus the full criminal involvement of some pedophile organizations may be extremely difficult to determine.

How serious a threat, then, do these groups pose?

Clearly, they are not traditional criminal organizations like narcotics or auto theft rings, which use violence, payoffs and extensive resources to control their interests. There also is little evidence that organized pedophile groups have controlled the larger child pornography rings that have been prosecuted during the past ten years.

Nor are these groups as large or influential as some citizen groups tend to believe. For example, a well-meaning publication called *Child Protection Alert,* published in 1985 by the American Christian Voice Foundation, reported that the combined membership of two well-known pedophile organizations, the North American Man-Boy Love Association (NAMBLA) and the Rene Guyon Society, is "estimated to number 25,000." [59] Undercover officers and NAMBLA officials themselves have confirmed that its membership is only about 400 and the Rene Guyon Society is widely known by most investigators as a one-man propaganda operation whose membership claims are not credible.

Organized pedophile groups pose the most serious threat when they serve as contact and support groups, justifying pedophilia in the minds of their members and reinforcing within child molesters a belief that society, not the pedophile, is misguided. There is no way of knowing how many "closet" pedophiles, who had only fantasized about molesting children, were moved to act out their fantasies by the encouragement and support of these groups and their newsletters.

It would be a mistake, however, to overemphasize the threat posed by these groups to the exclusion of the more numerous unorganized groups of child molesters that make no pretense of wanting to change legislation or to argue their case in public. The largest and most dangerous child sex rings invariably have proven to be groups of friends and/or pen pals with no real organizational structure.

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[59] American Christian Voice Foundation, *Child Protection Alert*; Washington, 1985, p. 4.

In some publications, more so in the 1970s than today, advertisements appeared offering to buy, sell or trade child pornography, which is now illegal. A bill introduced in 1986 by Subcommittee Chairman William V. Roth, Jr., R-Del., S. 2398, would prohibit the advertising of such materials as well as the solicitation of child prostitution.[60] (See Recommendations section of this report, pp. 44–45).

The history of pedophile groups is somewhat difficult to trace. Some of the best sources for information are acknowledged pedophiles like authors David Sonenschein and David Techter, who will be discussed later in this section. Sonenschein writes that one of the first organized groups in America was a pederast organization called the International Circle Enclave, which was active in the 1950s.[61] The lifespan of many pedophile organizations has been quite short, and some have had little to offer their members other than photocopied newsletters whose primary feature was the classified ad section.

EARLY PUBLICATIONS

The first era of pedophile publications discussed in this report will be those active in the mid-to-late 1970s, when child pornography was still being sold in adult bookstores and most police departments were not aggressively pursuing cases involving child sexual exploitation.

Person to Person [PTP]

This pedophile newsletter based in Hollywood, California, was put out of business in 1978 with the arrest of its founder, Bobby Wayne Seida, on misdemeanor charges of pornography distribution, and confiscation of its nationwide mailing list.[62]

PTP apparently was the sister publication of *The Compendium*, a preteen heterosexual journal which advertised itself as a "service designed to assist you in the biological phenomenon of puberty." Subscribers to *The Compendium* also received *PTP*, which was tellingly subtitled "The Mystique of Puberty Revealed Photographically—Captured at That Tender Time by & for Private Collectors." The first issue of *PTP* apparently included several bogus classified ads designed to drum up business, according to Det. William Dworin, who worked on the investigation. But a second issue was produced. Seida was arrested, Sworin recalled, as he was preparing to publish the third.[63]

PTP resembled pedophile newsletters in circulation today except in two significant respects. *PTP* published nude photographs of preteen children and also contained classified ads such as these:

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[60] *See note 56.*

[61] David Sonenschein, "What Is Pedophilia Anyway?"; Austin, TX, 1982, p. 22 (copy retained in Subcommittee files).

[62] Subcommittee staff interview with Dworin, May 1985.

[63] *Ibid.*

> MAN, 55, interested in girls 6 to 12, wishes to correspond and meet with others with the same interest. Would like to personally meet young girls in my area.
>
> YOUNG MAN wants to hear from anyone who may have very strong teen and pre-teen material for sale. Also families having fun—film or photos.
>
> WILLING TO EXCHANGE PHOTOS of my two daughters. Seek photos of nymphets 11 to 15, nude or semi-nude.[64]

Like its successors, *Person to Person* often tried to distance itself from those who might actually use the newsletter to find and molest children. "Anti-social behavior or adult sexual involvement with children is neither advocated nor promoted," said a statement of policy in *PTP*'s second issue, dated 1977/78. "However," the statement went on, "it is recognized that those who wish to freely express or absorb ideas on the subject of youthful development deserve a forum free of social stigma."[65]

PTP would not be the last pedophile publication to tell its readers, in essence, that it would provide all the ingredients for finding, filming and molesting children, but what they did with the information was strictly up to the readers. According to Det. Dworin, Seida later published a portfolio of child photos called "Lynn at 11," and also established contact with a Florida pornographer named Eric Cross, who would become the target of an international child pornography investigation in the 1980s (see pages 39–41). Seida was last reported living in Long Beach, California.

Broad Street Journal [BSJ]

Because of its longevity and the fact that it was edited by a former law enforcement officer, the *Broad Street Journal* of Evans, Colorado, merits significant mention in any discussion of pedophile publications. The Illinois Legislative Investigating Commission (ILIC), after a three-year investigation of child sexual abuse directed by the Illinois General Assembly in 1977, reported that *BSJ* began publication in 1971 and was edited by Donald James Kilgore, who described the magazine to the ILIC investigators as "the oldest Gay-Ad listing service in the world."[66] The entire magazine consisted of classified ads, most of which were directed toward a young audience. The ILIC undercover investigators, under the guise of potential buyers of the magazine, learned that the average press run of *BSJ* was 600 to 1,000 copies, with an estimated gross of $1,200 to $2,500 per issue. Typically the ads were from pederasts seeking contact with young males or persons wishing to buy, sell or trade child pornography (the use of terms such as "under 20" was requested by Kilgore, and although that age group would include adults, its use clearly was intended to attract a much younger group):

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[64] *Person to Person*, No. 2; Los Angeles, 1977/78.

[65] *Ibid.*

[66] Illinois Legislative Investigating Commission, *Sexual Exploitation of Children;* Chicago, August 1980, p. 59

> Relocate to Seattle. Friend/lover, runaways 20's or younger, quiet, smooth, honest looking for love, understanding & needs lots of hugging, loving & affection. Home with w/m–37.
>
> W/m–36 wants to be a big brother to a guy U(nder)–19. Pref. a blonde and hairless. No drugs. Also interested in models. Photo appreciated.

The ILIC investigation further showed that there were 59 "under–20" ads in the issue and that the vast majority contacted were only interested in young boys.[67]

Several other publications active in the 1970s appealed primarily to homosexual, sado-masochistic, fetishist or "swinger" audiencies, but included material clearly designed for pedophiles, either in special issues or in advertising. The ILIC, in its 1980 report, *Sexual Exploitation of Children,* reported on groups and publications such as: The San Francisco Ball in California; the Teddy Bear Club in Connecticut; Freddie's Gay Guys in Illinois; and *Kalos, Fetish Times, Midwest Hot Line, Gay Chicago News/Journal,* Media Exchange Service/Creative Registry, *B.A.F.S. Newsletter,* and *Hermes* in Illinois. The Commission's investigators were able to show through several undercover ads they placed that most of these publications ran ads from persons interested in child pornography.[68]

Pedophile Organizations

NORTH AMERICAN MAN-BOY LOVE ASSOCIATION

The North American Man-Boy Love Association (NAMBLA) is by far the most active and sophisticated of the pro-pedophilia organizations in America. It is based in New York City, with active chapters in Los Angeles and San Francisco, but its approximately 400 members are from throughout the United States and several foreign countries.

According to its own literature, NAMBLA was founded on December 2, 1978 in Boston at a conference on "Man/Boy Love and the Age of Consent."[69] The conference was generated in part, the literature states, by several widely publicized arrests or controversies involving "man/boy love" in Toronto and Revere, Massachusetts. As its name implies, NAMBLA is composed almost exclusively of pederasts, or adult males who are sexually attracted to boys. NAMBLA's statement of purpose reads in part: " . . . membership is open to all individuals sympathetic to man/boy love in particular and sexual freedom in general. NAMBLA is strongly opposed to age of consent laws and other restrictions which deny adults and youth the full enjoyment of their bodies and control over their lives."[70] NAMBLA spokesman Robert Rhodes said on a Denver radio show in 1985 that the group establishes no age under which sex with an adult would be damaging because "there will always be someone younger who is able to have a fulfilling experience."[71]

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[67] *Ibid.*, pp. 61–62.

[68] *Ibid.*, pp. 37–65.

[69] "Introducing the North American Man/Boy Love Association," undated pamphlet, p. 1 (copy retained in Subcommittee files).

[70] *Ibid.*, p. 12.

Unlike some other groups described in this report, NAMBLA does not shy away from publicity. Its members have marched in gay pride demonstrations around the country, it publishes a monthly newsletter that includes the names of its staff members, its leaders appear on radio and television and the group has regional conferences open to the public. "Our conferences provide a unique opportunity for man/boy lovers to meet each other, exchange information, and offer mutual support," the NAMBLA pamphlet states.[72]

Its members also tend to be well-educated professionals, including Rhodes, who as of this writing works as an attorney in the Newark, New Jersey, office of the Internal Revenue Service.

Rhodes said that as of June, 1985, the group had about 400 dues-paying members throughout the United States and several foreign countries, including an unknown number of police officers who subscribe under assumed names. He estimated the total circulation of the NAMBLA *Bulletin* at 700, with about 200 of that total sold in gay bookstores.[73] Police officers who have infiltrated NAMBLA differ only slightly with these estimates. (In Washington, D.C., Subcommittee investigators found copies of the NAMBLA *Bulletin* on sale at the city's largest gay bookstore, Lambda Rising.) NAMBLA also has many subscribers and supporters in foreign countries. A three-page NAMBLA document entitled, "Groups and individuals endorsing Nambla's Civil Rights," which was seized from a convicted child molester's residence in New Jersey, lists 50 supporters from the Netherlands, France, Italy, Canada and England.[74]

Undercover New York City police officers who attended NAMBLA meetings during 1983 and 1984 reported that the normal attendance for monthly membership meetings was about 15. Male minors often accompanied NAMBLA members. The content of the meetings was reported to be similar to that of the NAMBLA *Bulletin:* general issues concerning pedophilia were discussed, but not specific actions that would qualify the discussions as criminal conspiracies. Capt. Jerome Piazza of the Manhattan South Public Morals division of the New York Police Department said the infiltration of NAMBLA, which lasted for almost a year, was "moderately successful" but that the undercover officer would never be fully trusted by NAMBLA members because he would not be able to participate in sex acts with minors. "It is a very tight organization," Piazza said. "They're very paranoid about police, though I'm sure they know police have infiltrated them for some time." Piazza said the infiltration did help police target several child molesters and that investigations of other suspected molesters affiliated with NAMBLA are continuing. As to child pornography, Piazza said there were no signs of organized distribution, although child pornography often has been seized in the arrests of NAMBLA members on child sex charges.[75]

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[71] "The Ken Hamblin Show," KOA Radio, Denver, CO, March 19, 1985.

[72] *Op. cit.*, p. 2.

[73] Subcommittee staff interview, March 1985.

[74] Subcommittee staff interview with Lt. William Thorne, Bergen County, NJ, Prosecutor's Office, January 1985.

Lt. William Thorne, a detective with the Bergen County, New Jersey, Prosecutor's Office in Hackensack, has directed the investigation of scores of pedophiles, including the arrest and conviction of three NAMBLA members in 1982. One of those convicted was James Cooper, then 41, of Paramus, New Jersey, the recording secretary of the New York chapter of NAMBLA. In February, 1984, Cooper was convicted of two counts of criminal sexual assault and two counts of criminal sexual contact with a 14-year-old boy. He was sentenced to five years in the New Jersey State Prison. His case is on appeal.

A search of Cooper's residence provided police with a glimpse into the life of an ardent NAMBLA member. Thorne testified that the bedroom of Cooper's home was a virtual shrine to teenaged boys. The walls were covered with photos of young male TV and film stars, some clothed, some semi-nude, and also large drawings of young boys engaged in sex acts. Also seized from Cooper's home were several hundred 35mm photographs of teenaged boys shown playing various sports, in parks or at the beach. As Thorne testified before the Subcommittee: "The photos and slides of children in various types of clothing are significant because they show the pedophile does not use a child only for definitive sexual pleasures but is engrossed totally with the child. He is turned on by the child's body and also by the type of clothing worn by that child, clothing such as the macho-type sports uniform of hockey, football or soccer." [76]

Thorne added, however, that he believed pro-pedophilia groups such as NAMBLA "are not as severe a threat to our children as we may feel they are." It is the pedophile with no organized affiliations who is the real threat to children, Thorne said. He also asserted that NAMBLA's efforts to gain publicity have intensified the public's outrage over the group's practices and, in turn, made Thorne's job somewhat easier. "I sometimes think I owe NAMBLA a thank-you," Thorne told Subcommittee investigators. "Now, far more people support the work we're doing trying to stop child molesters." [77]

THE CHILDHOOD SENSUALITY CIRCLE

Of all the well-known pedophile organizations in America, none had more convicted child molesters among its members than the San Diego-based Childhood Sensuality Circle (CSC), run by an elderly woman, Valida Davila. Det. William Dworin of the Los Angeles Police Department estimated that at least 30 CSC members have been convicted on child molestation charges around the country.[78]

In 1984, however, the organization was dealt a devastating blow when the San Diego County Sheriff's Department executed a search warrant on Davila's apartment and seized a mailing list of more than 2,000 names and several thousand other documents, including correspondence with known pedophiles, organization newsletters and membership applications. Soon after, Davila announced that CSC was going out of business. (Davila was indicted on a misdemeanor obscenity charge, but the case later was dropped.) [79]

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[75] Subcommittee staff interview, April 1985.
[76] *Hearings*, Part 1, p. 54.
[77] Thorne interview, *op. cit.*
[78] Subcommittee staff interview, August 1985.

Like NAMBLA, CSC's ostensible goals were to support the sexual liberation of children, oppose age-of-consent laws and oppose the sexual abuse of children. But again, like NAMBLA, the activities of many of its members exposed the organization as little more than a contact service for pedophiles. Former CSC member Donald Woodward, a convicted child molester now imprisoned in California, told the Subcommittee he knew most CSC members were pedophiles, possibly as many as 85 percent. Most of them, Woodward said, simply used the group's "pen pal" program to contact other pedophiles in order to meet children. "It was obvious that after they (pedophiles) had made a few contacts . . . that satisfied them. They'd drop out of CSC . . . They had found what they wanted. They were content." [80]

Woodward and other former CSC members said that Davila would place certain members in touch with each other by sending them copies of other members' applications. Woodward said he met about a dozen pedophiles through CSC, including three men with whom he corresponded for several years. Convicted child molester Joseph Henry, a former CSC member who testified before the Subcommittee, said Davila put him in touch with other known pedophiles.[81] "She (Davila) really wanted to control CSC," Woodward said. "She was extremely against anyone knowing the inner workings of CSC. She kept the membership list entirely to herself. She never told you exactly how many members there were—very secretive about everything. Everybody reported directly to her. And if you didn't go along with what her thinking was you would soon find yourself frozen out and you'd stop getting information." [82]

Did Davila know for certain that she was putting known pedophiles in contact with each other?

"Oh yes, oh yes. She was aware," Woodward told Subcommittee investigators. "I don't think she was doing it for that purpose, but as a carrot for the good donkey as a reward for somebody who had (for example) been a frequent contributor to the newsletter and had buttered her up. She would set them up. She would say, 'Can I give your address to someone you'd like to know,' like parents of children who practice sex with their children and are willing to take in (outsiders) . . ." [83]

On advice of counsel, Davila refused to speak with Subcommittee investigators.

Henry testified that he wrote Davila about membership in CSC and that she, in return, advised him to fill out an application form, make five copies and return them with a $25 membership fee. "I later learned," Henry said, "the other extra copies of the application were sent to different pedophiles and in return I got copies of other pedophiles' applications, and then it was up to me if I wanted to correspond or not."[84] A Subcommittee investigator examined many of these membership applications during a visit to the San Diego County Sheriff's Department in late 1984. A typical application, from an Evansville, Indiana, man, said sexual freedom for children was most important to him. "They should have the right to have sex with people of any age, of the same or opposite sex, to identify themselves as homosexual, heterosexual, bi-sexual, or any other sexual preferance," the applicant wrote.[85]

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[79] Subcommittee staff interview with Michael Pent, Assistant District Attorney, San Diego County, CA, March 1985.

[80] Subcommittee staff interview, July 1985.

[81] Subcommittee staff interviews, December 1984 and January 1985.

[82] Woodward interview, *op. cit.*

[83] *Ibid.*

Another application from a Hitchcock, Texas, man, identifying himself as "Gene J. Thomas" actually proved to be from a man named Valentine Eugene Revera, according to Houston Police Sgt. William Brown. Brown said officers of the Tulsa, Oklahoma, Police Department, with whom the Houston Police jointly worked on this investigation, joined CSC and were later put in touch with Revera through CSC's pen pal program. Several letters and phone calls between Revera and an undercover Tulsa officer followed, eventually leading to a proposal for a meeting at a Houston motel, where Revera was to have provided the officer with two young girls for sexual purposes. On February 2, 1985, Revera showed up at the motel with two girls, aged 9 and 12, and met the officer, who was wearing a concealed microphone that transmitted their conversation to Houston officers in the adjoining room. After Revera told the officer he intended to have oral sex with the children, he was arrested. Revera pleaded guilty to three counts of aggravated sexual assault and was sentenced to 36 years in prison.[86]

Valida Davila's contacts among well-known pro-pedophilia activists were widespread. Included in the material seized by San Diego County Sheriff's deputies were several letters from David Techter, publisher of a Chicago-based pedophile newsletter, *Wonderland*, discussed below. Also closely associated with Davila was an Austin, Texas, man named David Sonenschein, whose writings about pedophilia have appeared in numerous pedophile publications here and abroad. In the August, 1983, issue of the CSC *Nusletter,* Davila announced that Sonenschein had been named associate editor. (Sonenschein also is discussed later in this report. See pp. 27–28.)

A typical issue of the CSC *Nusletter* contained rambling articles endorsing incest and pedophilia in general, anti-circumcision treatises, legal notes from the United States and foreign countries, book reviews and essays—both scholarly and amateurish—on child development and sexuality.[87]

In February, 1985, Davila appeared on a KFMB–TV (San Diego) news report and stated that CSC was going out of business due to her failing health.[88] Parts of her mailing list have been distributed to investigators around the country, who continue to investigate former CSC members.

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[84] *Hearings,* Part 2, p. 14.

[85] Evidence seized by San Diego County, CA, Sheriff's Department, 1984.

[86] Subcommittee staff interview with Sgt. William D. Brown, Vice Division, Houston, TX, Police Department, March 1986.

[87] *Nusletter,* Childhood Sensuality Circle; San Diego, CA, August and December 1983.

[88] Patrick Crosby, reporter, KFMB–TV, San Diego, CA, February 1985.

DAVID TECHTER AND THE LEWIS CARROLL COLLECTORS GUILD

In 1983, a Chicago man named David Techter formed the Lewis Carroll Collectors Guild. The organization was named for the author of *Alice in Wonderland*, who is highly regarded in pedophile circles as an early practitioner of nude children's photography.[89] Techter, 53, is an articulate pedophile activist who has written extensively—often under the pseudonym of David Edwards [90]—about the world of pedophilia, including his own sexual activities with children. In a chapter of his uncompleted book entitled, "The Child Lovers: America's Most Despised Minority," Techter wrote: "I am sexually attracted to children and find nude photographs of them immensely erotic. In short, I am a pedophile . . . I am a member of America's most despised, and least understood, sexual minority. [91]

Techter was sentenced to 30 months probation in 1983 by an Illinois state court for distribution of child pornography. Techter also was featured in a segment of the 1984 NBC documentary "The Silent Shame,"[92] in which reporter Mark Nykanen, posing as a pedophile and working with a hidden camera, lured Techter to an Indiana motel room with the promise of possibly meeting children and exchanging child pornography. After Techter showed Nykanen wallet photos of children whom he claimed to have molested, Nykanen disclosed that he was an NBC reporter. Although momentarily startled, Techter quickly regained his composure and continued talking on-camera about his interest in children.

The Guild newsletter, *Wonderland*, which Techter estimated in 1985 had about 225 subscribers, is a quarterly publication featuring news articles and essays about pedophilia and the collection of child pornography. The newsletter also contains numerous carefully worded ads offering to buy; sell or trade photos of children or to correspond and meet with people of similar interest. Although the ads carry clear messages to pedophiles, Techter says he edits them to ensure that they do not appear to be advertising an illegal act. As previously noted, however, current federal law does not prohibit more specific advertising.[93]

Some of the ads found in a recent issue of *Wonderland* read as follows:

> I want to buy VHS videotapes of preteens and teens doing anything nude. Confidentiality assured. (Nashua, NH)
>
> Girls 7 to 14—want to purchase photos of girls in swimsuits, panties, short sleepware or shorts. Back, front, side views. (Elizabethton, TN)
>
> Youngsters—want to correspond with collectors, publishers, producers of young boy or girl material; also with

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[89] R.P. "Toby" Tyler and Lore E. Stone, "Child Pornography: Perpetuating the Sexual Victimization of Children"; paper presented at the Fifth International Congress on Child Abuse and Neglect, Montreal, Canada, Sept. 16-19, 1984, pp. 2-3. Also see M. Cohen, *Lewis Carroll, Photographer of Children: Four Nude Studies* (New York: Crown, 1978).

[90] Subcommittee staff interview with David Techter, December 1984.

[91] David Techter writing as "David Edwards," "The Child Lovers: America's Most Despised Minority"; unpublished manuscript, 1983.

[92] See note 51.

[93] See p. 17.

> young people who enjoy having fun. My interests are swimming, boating, camping, skiing, sports. Very liberal minded. Please write! (Omaha, NE)[94]

Techter told Subcommittee investigators that he is aware many *Wonderland* advertisers actually are undercover police officers.[95] Many successful prosecutions of child molesters have been initiated through undercover ads in *Wonderland*. In most issues Techter warns his readers about certain advertisers or correspondents with whom they may have dealt. "I must apologize to trusting readers that might have replied to a recent ad by a 'W.J.W.,' Techter wrote in one issue. "William J. Ward is . . . an undercover police agent . . . Have nothing whatever to do with this man!"[96] In the same issue Techter warns his readers about a Rochester, New York, correspondent who "has yet to produce any concrete evidence to support any of his rather wild claims."[97]

Fear of the police is a constant theme in all pedophile newsletters. Techter admits to running his own "counterintelligence" operation against police officers hoping to use *Wonderland* to trap pornographers and molesters. Techter told Subcommittee investigators that he knows the identity of several undercover advertisers who actually are police, but that he doesn't expose all of them, choosing instead to use their correspondence to unravel more police undercover programs.[98] In a conversation with a Subcommittee investigator in 1985, Techter named other advertisers whom he believed were postal inspectors, but had not been identified in *Wonderland*.[99]

THE RENE GUYON SOCIETY

Due to its inflammatory slogan—"Sex Before Eight, or Else It's Too Late"—the Rene Guyon Society of Beverly Hills, California, has become widely publicized in news articles about pedophiles. Having taken its name from a French psychiatrist and associate of Sigmund Freud, the Rene Guyon Society claims 5,000 supporters, including psychiatrists, parents, and physicians.[100] But Det. William Dworin of the Los Angeles Police Department told the Subcommittee this is a wildly inflated figure, and the organization is probably little more than one flamboyant pedophile's attempt to gain national attention. Dworin said police surveillance of the group's eccentric leader, "Tim O'Hara"—whose real name is Jonathan Evan Edwards—indicates that he does not have regular contact with children and that the amount of correspondence he receives hardly seems indicative of an organization with 5,000 supporters.[101] Edwards, 64, strongly advocates sex with children and publishes an irregular newsletter endorsing anal and vaginal penetration of children as long as condoms are used. "We are composed of citizens who have never broken any child sex laws, even if never caught," said "O'Hara" in a letter to the Subcommittee dated November 30, 1984. "We work for child sexual freedom if condoms are used for anal and vaginal penetration to age 18. We work for kid porn laws to make illegal any show of penetration of the vagina or anus without a condom being shown used." [102]

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[94] *Wonderland*, No. 5, Lewis Carroll Collectors Guild; Chicago, Spring 1984, pp. 3, 6, 7 (copy retained in Subcommittee files).

[95] Subcommittee staff interview, January 1985.

[96] *Wonderland. op. cit.*, p. 4.

[97] *Ibid.*

[98] Subcommittee staff interview, January 1985.

[99] *Ibid.*

[100] Letter to Subcommittee from "Tim O'Hara," spokesman for the Rene Guyon Society; Beverly Hills, CA, Nov. 30, 1984.

[101] Subcommittee staff interview, March 1985.

As repugnant as this organization may be, most experienced investigators believe it has little influence on the pedophile community.

PEDOPHILE INFORMATION EXCHANGE [PIE] AND PAEDO ALERT NEWS [PAN]

These two European organizations have been popular with American pedophiles. As a rule, the pedophile movement in Europe has been better organized and subjected to less police scrutiny than its American counterpart, according to U.S. investigators.

The July, 1984, issue of the PIE *Bulletin,* which was based in London, announced that the 10-year-old organization was closing down due to impending prosecution of its members, internal dissension and various problems that had left its executive committee "exhausted and despondent." [103] But history shows that similar death notices were premature for such organizations. In the same issue, PIE's leaders assured the membership that a core group of pedophiles would remain active in the cause and encouraged fellow pedophiles to contact them. The issue listed 23 other pedophilia support groups in Europe and the United States that its members should contact in PIE's absence.[104]

PIE, founded in 1974, was, like NAMBLA, composed mostly of pederasts and was active and visible in Britain. Its publications, *Magpie* and *Contact,* were similar to the NAMBLA *Bulletin* in that they rarely contained explicit sexual photos and instead concentrated on discussions of pedophilia and treatises justifying this behavior. PIE's principle aim was to eliminate age-of-consent laws, and to "campaign . . . for the legal and social acceptance of pedophile love."[105]

PIE had wide support among American pedophiles, according to its own members. In a letter dated August, 1980, from a PIE official to an Indianapolis pedophile—a copy of which was reviewed by the Subcommittee—PIE said its recent appeal for help received the greatest response from American subscribers. "I should like to see a chapter of PIE developed probably in California," the PIE official wrote, "where it may be a feasible project (because) a large proportion of our members live there."

The slickest of all pedophile publications is the English-language *Paedo Alert News [PAN],* published five times a year in Amsterdam by the Coltsfoot Press. Issues are professionally typeset, feature some color printing and usually run more than 30 pages. Like virtually all pedophile newsletters of this type, *PAN* does not print child pornography. Instead, it appeals to its pederast audience with candid black-and-white photos of teenage and preteen boys, usually playing sports or wearing swimming trunks or gym shorts. What distinguishes *PAN* from other newsletters is its impressive international network of correspondents who keep its columns, "In Brief," and "The Battle Line," the most current (and often accurate) source of news in the international pedophile community. Several 1984 issues carried items on such topics as: child sex markets in the Philippines, NBC-TV's undercover purchases of child pornography in Denmark, anti-child pornography legislation in the Netherlands and numerous child sex scandals and pedophile arrests around the world.[106] But like its American equivalents, *PAN* obviously believes one of its greatest reader services is the exposure of police undercover operations. In each issue "The Battle Line," using information from court documents, pedophile correspondence or simply trained intuition, details American police undercover operations that have come to its attention. While all pedophile publications do this to some extent, *PAN* is by far the most sophisticated. Often a police sting operation is in operation only a few months before *PAN* has told its readers how it works and who is probably behind it. Privately, police investigators say such counter-exposes are inevitable because they must invariably be exposed if a case goes to court and also because so many pedophiles correspond with each other. *PAN* also provides the police with a valuable look inside the pedophile world. San Bernardino County, California, Sheriff's deputy R.P. "Toby" Tyler, a child pornography specialist who testified before the Subcommittee in November 1984, said *PAN* is unquestionably one of his prime sources of intelligence about pedophile activity and the child pornography trade.[107]

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[102] Letter from "Tim O'Hara," *op. cit.*

[103] *Bulletin,* Pedophile Information Exchange; London, July 1984.

[104] *Ibid.*

[105] Constitution of the Pedophile Information Exchange; Edinburgh, Scotland, March 22, 1985.

DAVID SONENSCHEIN

Sonenschein, 45, of Austin, Texas, is one of the more influential and prolific pedophile authors in America and thus merits special mention in a section devoted to organizations. Sonenschein, before a recent conviction on child pornography distribution, was virtually an organization unto himself. He has written numerous articles for the Childhood Sensuality Circle newsletter and was named its co-editor before it ceased operation. He has corresponded with editors of *PAN, Wonderland,* the NAMBLA *Bulletin* and other pedophile publications and was associated with the Austin Pedophile Study Group and the Howard Nichols Society, two defunct pedophile organizations in Austin. He edited and wrote the introduction to a publication entitled "How To Have Sex With Kids,"[108] which was highlighted in a hearing by the Senate Subcommittee on Juvenile Justice [109] and eventually caused him to be fired from his job with the Austin school district. The Pedophile Information Exchange of London offered a free copy of Sonenschein's booklet,

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[106] *Paedo Alert News,* Nos. 19–21; Amsterdam, The Coltsfoot Press, 1984.

[107] Subcommittee staff interview with Tyler, May 1986.

[108] *Op. cit.,* pp. 1–4.

[109] *Op. cit.,* pp. 26–28.

"What Is Pedophilia Anyway?"[110] with each subscription to its newsletter. From his home in Austin he offered for sale pamphlets not only on pedophilia, but also on homosexuality, children and sado-masochism and atheism, among many other subjects. On his "academic resume" Sonenschein says he has received degrees in anthropology from the University of Arizona and the University of Indiana, was a research assistant for the Kinsey Institute for Sex Research and has written "about 35" papers and publications on various sexual behaviors.[111]

Sonenschein's pamphlet, "How To Have Sex With Kids," contains no pornography, but it is shocking in its matter-of-fact approach to seducing children. In Chapter One, "Meeting Kids," the pamphlet advises: "Friends are a good source. Once you get to know a kid, you can meet their friends. And if you have sex with some that like it, they can tell those of their friends who may also be interested . . . It's also a good idea to get to know parents. Sometimes you can get babysitting tasks or you can just take the kids places when they know you and know that the kids like being with you . . ."[112]

In the second section, "How To Have Sex With Kids" suggests that introducing children to sex often is best done as "part of a game. It's always fun to use costumes," it says. While suggesting that non-penetrating sex may be best with small children and cautioning that contraceptives should be used, the pamphlet goes on to say that "experimentation is the key—try it all!" The booklet endorses cunnilingus, fellatio, anal penetration and other sex acts with children, including group sex. "A third thing is group sex and sex parties," it says. "There's nothing wrong with these and for a lot of kids, group sex is more fun."[113]

Despite his cloak of academic research, Austin police believed Sonenschein's activities went far beyond that. On September 2, 1984, the police, acting on information from a convicted child molester from Houston, searched Sonenschein's home and found documents referencing 33 child pornograpy magazines (including such titles as *Bambina Sex, Baby Love* and *Incest*) and a wealth of correspondence and documents linking him with pedophiles in the United States and Europe.[114] Robert Merton Woodruff, the Austin police informant now serving a 30-year sentence for child molestation in a Texas state prison, told police in a sworn statement that Sonenschein first contacted him in 1982. Woodruff said the two men corresponded and then met at each other's homes, showing and trading child pornographic magazines and slides. Woodruff said Sonenschein made copies of some child pornography magazines on the Austin school district copiers in 1983 and gave them to Woodruff. Woodruff also said Sonenschein had shown him slides at his home of "young females, 8 to 12 years old, nude" either performing sexual acts or exposing their genitals.[115]

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[110] See note 61.

[111] Subcommittee staff interview with Sgt. John Russell, Austin, TX, Police Department, July 1986.

[112] *Op. cit.*, pp. 6–7.

[113] *Ibid.*, pp. 8–15.

[114] Russell interview, *op. cit.*

[115] *Ibid.*

Based on this information, Sonenschein was arrested on the day of the search warrant and charged with distribution of child pornography. He was convicted in April 1985 and sentenced to ten years in state prison. The conviction is on appeal. Sonenschein declined to be interviewed by the Subcommittee.

X. INTERNATIONAL DISTRIBUTION OF CHILD PORNOGRAPHY

There may be disagreement among investigators about the exact nature of today's commercial child pornography market, but few would dispute that it has changed appreciably since the mid-1970s.

Until then, Americans could purchase commercial child pornography in many adult bookstores throughout the country. In some it was openly displayed on shelves; in others a buyer had to ask the right person or prove himself to be a regular customer. But it was readily available. In the adult pornography market, depictions of every imaginable form of sexual behavior, including the most deviant, had been available for some time; and the fall of the last commercial taboo—child pornography—gave the pornography industry a boost in the 1970s.

But in early 1978 Congress passed the Protection of Children Against Sexual Exploitation Act, which outlawed the commercial distribution of child pornography.[116] The effect of the legislation was not immediate, but gradually in the late 1970s commercial child pornography became more of an underground commodity. Today, because of intense law enforcement activity in the area and aggressive federal prosecution, it is extremely difficult to find true child pornography in an adult bookstore (although some of the most popular adult pornography includes models who appear or are made to appear to be teenagers).

Exactly now much child pornography from Europe entered the United States in the 1970s before passage of the Protection of Children Against Sexual Exploitation Act probably is impossible to determine. U.S. Customs Service records made no distinction between seizures of child and adult pornography, since such distinctions were not made by the statutes of that time. And even though the material was usually civilly forfeited, the recipients, who often were active child molesters, usually were not targeted for proactive investigations as they are today.[117] What is clear, though, is that as the domestic commercial market dried up, the American pedophile increasingly turned to European-produced child pornography (investigators note that European child pornography has always depended in large part on the photos of American children, furnished by American pedophiles).

The European child pornography industry had been active since the early 1960s and operated without the scorn or scrutiny experienced by its American counterpart. The product, mostly magazines and 8mm films, generally was of higher quality than similar American material. Customs Service records showed that the three countries which produced the vast majority of child pornography seized entering the United States were Sweden, Denmark and the Netherlands. That fact prompted Subcommittee Chairman William V. Roth, Jr., to write to Secretary of State George Shultz in August, 1984, asking what steps American officials had taken to enlist the assistance of the three foreign governments in eliminating this problem.[118] The response, from W. Tapley Bennett, Jr., assistant secretary of State for legislative and intergovernmental affairs, was illuminating: ". . . it appears that no general diplomatic or other effort has been made to inhibit the foreign production or export of child pornographic materials to the United States," Bennett wrote, adding that all efforts up to that time had been "uncoordinated, incidental contacts." [119]

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[116] P.L. 95-225 took effect on Feb. 1, 1978, but it did not produce the anticipated flood of convictions because it specified that only child pornography which was obscene and distributed commercially was illegal. It was not until passage of the Child Protection Act of 1984 (P.L. 98-292) removing the commercial requirement that federal enforcement agencies substantially increased their arrest figures (see pp.5–6).

[117] Subcommittee staff interview with Senior Agent Ray Martinez, Child Pornography and Protection Unit, U.S. Customs Service, May 1986.

After the Subcommittee's first hearing on this subject in November, 1984,[120] the U.S. Department of State organized an Interagency Group to Combat Child Pornography. Composed of representatives from the State Department, the Department of Justice, the Federal Bureau of Investigation, the Customs Service and the Postal Service, the group first met on December 17, 1984, and one month later took a three-day trip to Denmark, Sweden, and the Netherlands to meet with law enforcement and government officials. The delegation was led by Gary Matthews, who at the time was senior deputy assistant secretary in the State Department's Bureau of Human Rights and Humanitarian Affairs. In June, 1985, a delegation of Dutch Ministry of Justice officials came to Washington, D.C., to meet with the participating agencies on the task force and with Senator Roth.

The interagency group reported its findings to the Subcommittee during the February 1985 hearings.[121] Here, briefly, is the status of child pornography enforcement in the three nations:

SWEDEN

By 1984, Sweden generally was recognized by law enforcement and child welfare groups as having significantly reduced its production and distribution of child pornography. Customs inspectors reported that Swedish shipments of child pornography had dropped considerably since the mid-1970s. In testimony before the Subcommittee in November 1984, U.S. Customs Commissioner William von Raab said the Swedish government has been the most cooperative so far with his agency.[122] Swedish officials told the U.S. delegation they already had used information supplied by U.S. law enforcement agencies to investigate suspected child pornography dealers but "had as yet found nothing prosecutable."

In testimony before the Subcommittee in February 1985, Chief of Investigations Larry Sheafe of the Customs Service said Sweden had been "fairly successful" in its child pornography efforts since 1980, but that only three cases had been brought to court. Prior to the U.S. team's visit in January 1985, the U.S. Embassy in Stockholm notified Swedish authorities of seven alleged distribution points of child pornography in Sweden, Sheafe testified. The Swedish minister of justice ordered all locations to be searched. In one case, the individual had moved to Germany. In the others, adult pornography was found. No child pornography was discovered, and Sweden will be unable to prosecute the participants.

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[118] Letter from Senator William V. Roth, Jr., to the Hon. George P. Shultz, Aug. 24, 1984 (see Appendix).

[119] Letter from W. Tapley Bennett, Jr., to Senator Roth, Sept. 19, 1984 (see Appendix).

[120] *Hearings*, Part 1.

[121] *Hearings*, Part 2, pp. 23-29.

[122] *Hearings*, Part 1, pp. 4-9.

Sheafe said Sweden had been helpful in identifying child pornography producers. Specifically, its officials requested samples or copies of the publications seized by U.S. Customs, as well as the mailing or shipping wrappers which indicated the source of the child pornography.[123]

DENMARK

After having played a major role in producing and distributing child pornography throughout the world for at least two decades, Denmark may be heading toward much tighter restrictions on this trade, observers now believe. Danish officials have begun investigating some child pornography operations, the most prominent being COQ International, probably the largest distributor of male homosexual child pornography in Europe. Although there have been no convictions in the case, COQ did notify its American customers that it was no longer accepting orders from U.S. citizens, presumably because of law enforcement pressure.[124] In the pornography industry, however, it is common for one firm that is either being put out of business or repeatedly prosecuted to sell its mailing lists or products to other pornography shippers, so COQ material may have continued entering the United States. In addition to COQ International, firms such as Ekiba, Porcelain Miniatures, Lars, Designs Ltd., Iversen & Co., Exim Trading, Scandinavian Direct Mail, Color Climax and Rodox have at one time either been located in Denmark or distributed their child pornography from Danish addresses.

While Danish law severely punishes those who engage in sexual intercourse with children—with sentences of up to ten years in prison if the child is under 12—its child pornography statutes (Sec. 234 and 235) impose only modest fines. As in most European countries, Denmark has very rigid mail secrecy laws. Mail can be interfered with only under extraordinary circumstances and only with the approval of the courts. In addition, Danish postal authorities, who do not have the police powers of their American counterparts, are not required to notify police if they suspect the mails have been used for illegal purposes. Superceding these enforcement hurdles, however, at least insofar as shipments of child pornography to the United States are concerned, is the fact that Denmark and the United States are parties to the Universal Postal Convention of 1979, which prohibits any country from shipping material that is illegal in the recipient country.[125]

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[123] *Hearings*, Part 2, pp. 30–33.
[124] *Paedo Alert News* No. 20; Amsterdam, October 1984, p. 5.
[125] 32 UST 4587.

Early in the Subcommittee's investigation, the Danish Ambassador to the United States, Eigil Jorgensen, wrote to Senator Roth in response to a *Washington Post* editorial detailing the role of Denmark and the Netherlands in the child pornography market. Ambassador Jorgensen stated that the Danish Minister of Justice recently had condemned the child pornography business and that "extensive investigations" were under way. In preliminary investigations, Ambassador Jorgensen said, it did appear that Danish citizens were involved in child pornography, but that many of the "pictures in question have not been made in Denmark, but abroad." [126] A Danish Embassy official in Washington did tell Subcommittee investigators, however, that to his knowledge there was no person in any Danish jail serving time for any pornography offenses. (Dutch officials also told Subcommittee investigators they too knew of no one in Dutch prisons for pornography offenses.)

Danish pornographers were exposed clearly when NBC aired its August 1984 documentary, "The Silent Shame," which featured a reporter working undercover as a potential buyer of child pornography.[127] Reporter Mark Nykanen and producer Chuck Collins were able to set up meetings with pornographers Willy Strauss and Laila Liljendahl in Copenhagen. As they were being videotaped by an NBC camera hidden in a gym bag, the couple politely discussed their business, and Strauss remarked that his wife's full-length fur coat came from the profits of their child pornography operation.

Danish newscasts showed segments of "The Silent Shame," which resulted in an official uproar and promises by the government to investigate the allegations. The Strauss couple was questioned by police and later fined 12,000 Danish Kroner (about $1,550).[128] In an unusual action for a news organization, NBC provided Danish authorities with some of the evidence it uncovered.[129]

In October, 1984, Senator Roth and 25 other U.S. senators signed a letter to the prime ministers of the Netherlands and Denmark urging their "support and suggestions" for international cooperation in ending the flow of child pornography. Ambassador Jorgensen responded that the Minister of Justice would appreciate receiving "any specific information concerning persons in Denmark trafficking in child pornography which the U.S. authorities might possess." [130]

THE NETHERLANDS

Until recently, the Netherlands has not been as active as other nations participating in the international effort to combat child pornography.[131] The U.S. interagency task force met with Justice

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[126] Letter from the Hon. Eigil Jorgensen to Senator Roth, Sept. 11, 1984 (see Appendix).

[127] See note 51.

[128] Letter to Subcommittee from Jorgen V. Larsen, Press Counselor, Danish Embassy, Sept. 30, 1985, referring to an article in the Danish Newspaper *Aktuelt*, Aug. 29, 1985.

[129] Peter W. Kaplan, "NBC Team Gave Danes Child Pornography Data"; *The New York Times*, Aug. 30, 1984, p. C-21.

[130] Letter from Senators Roth, *et. al.*, Oct. 5, 1984; letter to Senator Roth from Ambassador Jorgensen, Nov. 28, 1984. (See Appendix.)

[131] Following the PSI hearings in November of 1984, the Netherlands assembled a task force to study child pornography.

Continued

Minister Frederik Korthals-Altes, who stressed that a bill expected to pass the Dutch Parliament in the spring of 1985 would specifically prohibit for the first time the distribution or exhibition of child pornography. The bill finally passed in July 1985 but because some parts of the new law contradicted Dutch treaty obligations, it did not take effect until May 1986.[132] (The manufacture, dissemination, transport and export of pornography has been illegal in the Netherlands since the turn of the century, but the law rarely was enforced until recently.) Though the proposed penalities in the new law for production, importation, transport, or possession of child pornography are lenient by American standards—a maximum of three months in jail—Dutch officials nonetheless insist that this is a major step for Holland. The officials argue that Dutch pornographers, many of whom distribute both adult and child pornography, will not jeopardize their lucrative adult market by violating the new child pornography statutes. Unlike American law in this area, however, Dutch law does not allow for any serious financial penalties or asset forfeiture upon conviction, so that a pornographer's business presumably could continue unaffected after a conviction. Dutch law does, however, impose strict penalties for sexual violence, particularly involving minors. For instance, according to Dutch law, sexual intercourse with a child under 12 can be punished with a prison term of up to 12 years.

As a result of the January 1985 meetings with Dutch officials, American law enforcement agencies agreed to supply the Dutch government with information on suspected pornographers. In the first such exchange, FBI and U.S. Customs Service officials provided the Netherlands Department of Justice with 85 packages of child pornography seized in the United States. Dutch officials determined that only 42 had return addresses, 16 were traced to locations outside the Netherlands and 21 proved to be either false or

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On August 2, 1986, after nearly two years of work by the Dutch Justice Ministry, the Dutch government publicly released the report of that task force. The report recommends the following nine measures for effective enforcement of a new Dutch law against child pornography:

(1) A clear and uniform interpretation of the new child pornography law by justice and police officials.

(2) A uniform national investigation and prosecution policy in child pornography cases.

(3) Regular local police checks on local sex shops to ensure no child pornography is being sold.

(4) Local police investigation of any newspaper/magazine advertisements that appear to be soliciting children or adults interested in child sexual activity.

(5) Judicial investigation and a search of the suspected point of production as soon as possible in any case of suspicion of commercial child pornography production.

(6) A policy of searching for photographic records of sexual abuse and possible connections to the child pornography trade in any police investigation of child sexual abuse cases.

(7) Establishment by the National Criminal Intelligence Service of a central catalog of seized child pornography for reference use by local police.

(8) Designation by local police departments of an official responsible for liaison with the National Criminal Intelligence Service on child pornography matters.

(9) Periodic National Criminal Intelligence Service exchanges of information on child pornography investigations with relevant third countries.

Under Dutch practice, these recommendations are considered by a council consisting of the heads of the Public Prosecuting Offices in the Netherlands' five regions. After the council approves the recommendations, as it is expected to do in the near future, the recommendations will become national policy for public prosecutors in their handling of child pornography cases.

Dutch-American cooperation in combating child pornography is entering a new phase. A law against child pornography is on the books, and recommendations for enforcing that law are in the process of being made national policy. As noted in the body of this report, however, the real test will be in enforcement and prosecution.

[132] Press Release No. 1663, Information Section, Netherlands Ministry of Justice, May 7, 1986.

untraceable. Only five addresses appeared to be correct, and they were of firms in Amsterdam, Rotterdam and Dordrecht.[133]

According to a report provided the Subcommittee by the Dutch Embassy in Washington, D.C., the child pornography items from those five firms were not produced in the Netherlands. This assertion, along with an August 1986 report by a Dutch task force on child pornography, led Dutch officials to conclude that child pornography may be forwarded to the United States through firms located in the Netherlands but that the material probably was not produced there[134]—a view that few American investigators fully share.

The mail surveillance and mail openings done legally in the United States by agencies such as the Postal Service and U.S. Customs Service are extremely rare in the Netherlands and the Scandinavian countries. Under Dutch law the seizure or opening of personal mail as part of an investigation must be authorized by an examining magistrate, an officer of the courts. Likewise, "sting" operations that have become common in the United States virtually are unheard of in European law enforcement.[135]

One of the more encouraging developments from the U.S. group's visit was an invitation for European police officers dealing in child pornography investigations to visit the United States and speak with their counterparts in American law enforcement. This approach has strong support among U.S. police, who appear to believe that little real progress will be made until actual case investigators are exchanging leads actively.

The opening of a new U.S. Customs office in Rotterdam—assisting the existing office in Bonn, West Germany—also should facilitate U.S. participation in international child pornography investigations. According to Larry Sheafe, chief of the Customs Service's Office of Investigations, the Bonn office already has provided an undercover officer to assist the Amsterdam City Police in its investigations. "However," Sheafe told the Subcommittee, "the fact is that the *agent provocateur* provisions for laws in the Netherlands and the lack of a conspiracy statute culminate in making this type of investigation time consuming and costly for Dutch law enforcement agencies." Sheafe said the primary focus of all Dutch criminal investigations into child pornography is to identify the abused child and to charge the violator with child abuse.[136]

Despite encouraging developments in Denmark, Sweden and the Netherlands, past experience indicates that the European pornography trade does not give up easily. The U.S. market for child pornography is widely thought to be the most lucrative in the world, and European pornographers are not likely to voluntarily remove themselves from it simply because of the current public outcry in America. While stricter European laws on child pornography are welcome, the real test of the commitment of those governments to ending child pornography will be in their dedication to enforcement and prosecution.

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[133] Subcommittee staff interview with Eduard J.M. Middeldorp, Second Secretary, Royal Netherlands Embassy, Washington, March 1985.

[134] Report to Subcommittee from Royal Netherlands Embassy, Washington, Feb. 19, 1985; *Report of the Dutch Government Task Force on Child Pornography;* The Hague, August 1986.

[135] Subcommittee staff interview with R.W. Craemers, Chief, General Affairs Division, Bureau of Administration and Criminal Law of the Netherlands Ministry of Justice, and Chief Superintendent M.J.M. Rijk, Dutch National Criminal Intelligence Service, June 1985.

[136] *Hearings*, Part 2, p. 26.

XI. IMPORTATION OF CHILD PORNOGRAPHY INTO THE UNITED STATES

The recent publicity surrounding the foreign distribution of child pornography could lead to the impression that the United States is being deluged with illegal shipments from abroad. In fact, however—due partly to that publicity—seizures of imported child pornography have declined dramatically since about mid-1984.[137]

The U.S. Customs Service reports that it made 1,235 seizures of child pornography in 1985, down 40 percent from 1984, when Customs first began aggressively searching for child pornography in foreign mail shipments.

Several factors appear to have contributed to this decline:

> American pedophiles are acutely aware that Customs is intercepting child pornography shipments and that the material often is turned over to local police for further investigation. This creates a reluctance among pedophiles to order through the mail.
>
> European police agencies and news media are exerting pressure on pornography distributors who handle material involving pre-teen children.
>
> Some European pornographers, notably the largest distributor of male homosexual material, have informed their American customers that they will no longer fill their orders for child material.
>
> Customs concedes that staffing problems have at times prevented key foreign mail branches, such as the one at John F. Kennedy Airport in New York City, from having an adequate number of mail handlers, and therefore fewer inspections for child pornography.
>
> Customs officials specifically credit NBC's documentary "The Silent Shame" and its artful exposé of Danish and Dutch child pornographers with causing an immediate drop in foreign shipments in late 1984.

At the same time seizures have declined, however, Customs investigations of child pornography cases almost doubled, from 106 in 1984 to 209 in 1985. The number of search warrants increased 115 percent, arrests rose 124 percent and convictions increased from 14 to 45, an increase of 221 percent.[138]

The increased attention to investigations was illustrated by the formation in October 1985 of Customs' Child Pornography and Protection Unit at its Washington, D.C., headquarters. The unit is staffed with three senior special agents who will coordinate Customs' child pornography cases here and abroad and also act as a clearinghouse for information on child pornography publications and known suppliers or customers. The unit has compiled information such as customer mailing lists from past distributors of child pornography and is also assembling a library of child pornography to assist agents in undercover operations and in the preparation of search warrants, among other uses. Authorized officers will be able quickly to determine the content of specific magazines, tapes and films, which then can be used in applying for search warrants. In coming years, with the help of a laser scanner, the unit hopes to be able to match the photos of missing children with the photos of children in its child pornography library, a job that most investigators concede is now so time-consuming to perform manually that it is rarely done.[139]

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[137] Pornography Seizure Report, Child Pornography and Protection Unit, U.S. Customs Service, Washington, February 1986.

[138] Statistics supplied by Child Pornography and Protection Unit, U.S. Customs Service, March 1986.

As numerous cases have illustrated, the interception of foreign child pornography by Customs often results in much more than simply the removal of some magazines or tapes from circulation. The seizure often is the first indication that the recipient may be molesting children.

In the fall of 1985, the Customs mail section in Atlanta seized an envelope of child pornography magazines (*Lolita Special* from the Netherlands) addressed to an industrial engineer in Tampa, Florida. Approximately six months passed and Customs officers found no further child pornography addressed to the man, but because of its "hard-core content," as one agent described it, the agents took the material to a U.S. Attorney in Florida and applied for a search warrant from a local magistrate. (U.S. Department of Justice guidelines normally require that three such seizures be made in one year's time before a search warrant can be applied for.)

A warrant was served on March 4, 1986, by officers from the U.S. Postal Service, Customs and Tampa Police. In the man's residence police found approximately 100 commercial child pornography items, girls' clothing, sexual devices and a fully furnished child's playroom. The owner was charged with one count of importing child pornography (punishable by ten years in prison), and Tampa Police say he may also face child molestation charges there.[140]

Packages containing child pornography are usually quite innocuous in appearance. Most foreign shipments come in envelopes measuring approximately 6 in. by 8 in. To avoid detection some distributors have pre-printed envelopes with logos from travel agencies and auto dealers; some make it appear that the recipient's wife is the sender. By now few of these ruses fool Customs' mail handlers. Other pornographers have shipped their magazines folded lengthwise to fit in a letter-size envelope, thus looking like personal correspondence. Video tapes are less easily concealed, but even they often are cleverly edited so that the child pornography segments are interspersed with a travelog, sports scene or other innocent footage.

As closer scrutiny of Dutch and Scandinavian shipments continues, Customs officials anticipate an increase in "transshipments" of child pornography through third countries such as France, West Germany and Japan, whose mail shipments are so vast that none could be thoroughly searched on a routine basis. (Customs mail handlers do not actually open each piece of mail. They simply watch it moving down a conveyor belt and pick out those packages fitting the current profiles for child pornography shipments. After it is opened, a decision is made whether the material should be forwarded to investigators.) Likewise, more material from countries such as Thailand and the Philippines, which have booming child-sex markets, can be expected, Customs officials say. (The arrest of a child molester in Los Angeles in late 1985 eventually led Customs to the molester's supplier of child pornography, a man from Bangkok, Thailand. Customs special agents Ray Martinez and Jack O'Malley posed as potential buyers in Bangkok and worked with Thai police to have the supplier arrested.) [141]

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[139] Subcommittee staff interviews with Chief John Sullivan and Senior Agent Ray Martinez, Child Pornogrpahy and Protection Unit, U.S. Customs Service, January and February 1986.

[140] Subcommittee staff interview with Martinez, March 1986.

XII. QUALITY AND CONTENT OF FOREIGN CHILD PORNOGRAPHY

Not only has the quantity of child pornography seizures declined noticeably since about mid-1984, but the quality of the seized material also has declined somewhat, according to U.S. Customs officials. Much of the commercial child pornography imported into the United States today features photos reproduced from originals taken in the 1970s. In several magazines the majority of photos are poorly reproduced black-and-white shots and amateurish color slides, a far cry from the state-of-the-art studio work found in most adult pornography.

Investigators who analyze commercial child pornography, such as Deputy R.P. Tyler of the San Bernardino County, California, Sheriff's Department, also have noticed that the same photos of certain children keep reappearing in different magazines. Since the intensive American crackdown on child pornography, there has been a noticeable decline in the number of "new" children featured in the magazine.[142]

Tyler is one of the few investigators in this country who actually analyzes the content of child pornography—who publishes it, which children are featured, age of the children, etc. Using a computer, he has indexed an extensive collection of such child pornography magazines as *Lolita Love, Lolita Special, Lolita Chick, Nymph Lover, Bambina Sex, Schoolgirls, Lover Boys, Piccolo, Wonderboy,* and many others, most published in Denmark or the Netherlands.[143]

The most notorious of the foreign commercial child pornography publications, *Lolita*, began circulating about 1974. It has been published in Dordrecht, the Netherlands, by a man identified as Joop Wilhelmus. Many other publications use variations of the Lolita title (*Lolita Sex, Lolita Love,* etc.), but the original *Lolita* carries a sequential issue number (No. 55 was published around July, 1984) and features not only sexually explicit photos of children and adults engaged in sex but accompanying text and classified ads in German, French, Dutch and English.[144]

As Tyler testified before the Subcommittee, there is some doubt about who actually publishes *Lolita*.[145] Issue No. 46 carried a large headline declaring, "This Is The End." An article by Wilhelmus said that would be the last issue—he was giving up on trying to convince the world to endorse pedophilia and he was getting out of publishing because collectors were no longer sharing their private collections with him.[146] But with Issue No. 47, readers received this news: "We're the new editors, and we appreciate the efforts of Joop Wilhelmus for keeping going as long as he did. We don't think it should die, so we are going to continue with the efforts."[147] Tyler testified that when he traveled in the Netherlands in 1982, he spoke with sex shop operators who said it was common knowledge that Wilhelmus was still publishing *Lolita*, but he had publicly disassociated himself from the magazine because of harassment he was receiving as he traveled around Europe.[148]

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[141] Subcommittee staff interviews with Agent Jack O'Malley, U.S. Customs Service, December 1985 and January 1986.

[142] Subcommittee staff interview, October 1984.

[143] *Ibid.*

[144] *Lolita* Nos. 30, 31, 34 and 55; Dordrecht, the Netherlands.

[145] *Hearings*, Part 1, p. 22.

Since 1982, only two issues (Nos. 54 and 55) of *Lolita* are believed to have been published. It once appeared almost monthly. Tyler suggested that because *Lolita* was made illegal in the United States, and Denmark and Sweden also outlawed its retail sale, the drop in circulation has stripped Wilhelmus of his amateur suppliers. Most recent issues carry Wilhelmus' pleas for new material: "This magazine can only exist if you help us! Send us photos from your collection!" "We desperately need more photos from private files."[149] Tyler noted that Lolita No. 55 contained only two photos that had not appeared in previous issues.[150]

The following letters were received by Tyler, posing as a pedophile, in response to letters he wrote to European pornographers:[151]

> RODAX TRADING,
> *Copenhagen, May 30, 1978.*
>
> We hereby acknowledge receipt of your kind letter dated May 24, for which we thank you very much.
>
> We would of course be glad to receive the photos that you mentioned.
>
> To answer your question concerning the articles that we send in counterpart, it is normally 1 magazine in exchange for each photo that is good enough to find its place in our two magazines dedicated to paedophilia. It seems that this system would suit you as it often does with contributors who want to enrich their collection.
>
> When I send a magazine, it is done in an extremely discreet way to make sure that everything will be allright.
>
> For a start, I take pleasure in sending you some sections of our two latest catalogues. I can always send you more of them in the future.
>
> We are looking forward to hearing from you at your earliest convenience.
>
> Recommended address when you send documents: Joel Bouille, Strandlodsvej 61.

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[146] *Lolita*, No. 46.

[147] *Ibid.*, No. 47.

[148] *Hearings*, Part 1, p. 31.

[149] *Lolita*, Nos. 29, 41.

[150] Tyler interview, *op. cit.*

[151] *Hearings*, Part 1, p. 32.

Your code-name Robert. (So when you send the photos, you don't have to mention your address).

JOEL BOUILLE.

CHICK PRODUCTION ESTABLISHMENT,
Liechtenstein, September 25, 1978.

DEAR SIR: Thanks for your letter dated 1 sept. Of course we are interested in your photo-material although the last age you mentioned is too high for us (too old).

We can always work out a good deal and trade your work against our products. It is also possible too exchange your photos against films. At the moment we've got 10 titles. All full of action with girls no older than 10 years.

We've got quite a lot of experience in sending material to the USA and normally everything arrives safely.

Now it all depends on the quality of the photos you offer. If you make a point of it we will see that you get the photos back although this is not the usual way we do things. Of course we prefer action in the photographs. Please send us some samples or just send us a bunch of them and we will send you books and/or films just as you like. Send the material too the following address: A. Vorster, Tollenstraat 2, Dordrecht, Holland.

This is a private adress and ensures delivery. We hope to receive something soon.

Sincerely yours,

WILJA.

These letters and the quality of the magazines strongly indicate that most of the printed pornographic material is being supplied by amateur pedophile photographers and not by sophisticated pornography rings. Publishers sometimes pay for the photos or exchange other child pornography with their customers. As it becomes increasingly difficult to import child pornography into the United States, pornographers may be making more direct purchases.

Investigators are well aware that many of the children featured in magazines like *Lolita* are American.[152] The children are most often molested and photographed in the United States, and the pedophile/pornographer sends copies or originals to the European pornography publishers.[153]

ERIC CROSS

Another notorious title in child pornography is *Linda and Patty*, which features two blonde, blue-eyed girls from Florida, aged 10 and 11, who were molested and photographed by a British citizen, Eric Cross.[154] This magazine, originally published in 1973, has been reprinted, repackaged and renamed many times. Even the names "Linda and Patty" have come to have their own meaning. Convicted child molester Donald Woodward, who was interviewed extensively by the Subcommittee, once wrote a co-conspirator that he intended to try "Linda and Patty" on a future victim—meaning that he planned to use the magazine to show how other children had "willingly" posed for pictures.[155] Other pedophiles have been known to refer to certain children as looking like "Linda" or "Patty." "Those children represent the ultimate for many heterosexual pedophiles," Tyler said. "They are blonde, blue-eyed and right on the verge of puberty." [156]

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[152] For example, *Lolita* Nos. 29, 30 and 31 feature photographs of two California children who were molested by Joseph Henry, although Henry said he was not responsible for the photos (Subcommittee staff interviews with Henry and Det. William Dworin, Los Angeles Police Department, January 1985).

[153] William Thoma was convicted in the Northern District of Illinois in 1984 on three counts of mailing child pornography to U.S. postal inspectors as part of the Postal Service's "Crusaders for Sexual Freedom" sting operation (see p. 13). The photos of one of the children molested by Thoma later appeared in *Lolita* (Subcommittee staff interview with Thoma, October 1984).

[154] Subcommittee staff interview with Agent Barry Carmody, Federal Bureau of Investigation, and Inspector Steve Smolcich, U.S. Postal Service, November 1985.

Cross met the two children who eventually would be known as "Linda and Patty" (those are not their real names, and they are now adults) while living in Fort Lauderdale, Florida, in 1973. A deceptively charming man, Cross befriended the girls' parents over a six-week period and convinced them to allow him to take the children to Disney World near Orlando. They checked into adjoining rooms at a motel near the park on a Friday night. That night, after showing the girls his own child pornography album and buying them inexpensive cartoon character necklaces (the girls are wearing them in the magazine photos), he molested and photographed them, using approximately 24 rolls of film. The next day they went to the amusement park, and returned Saturday night to the motel for more photo sessions. Cross has told investigators that the photos of the children which show some reluctance on their faces were taken before the trip to Disney World, and that after the trip the children were much easier to manipulate.[157]

When the Saturday night session was over, Cross returned the girls to their home and instructed them not to tell their parents what had happened. Fortunately, one of them did. The police were notified, but Cross already was on his way to New York in a stolen rental car. From New York he flew to Amsterdam, where he turned his film over to a photo lab. An employee of the photo lab, knowing that the children were foreigners and suspecting Cross probably was a fugitive, called Amsterdam police. Interpol, the international police intelligence agency, already had been alerted after Florida police learned Cross had taken the flight to the Netherlands. Cross was arrested and extradited to England to finish serving a sentence on molestation charges. In December 1974, he finally was extradited to Florida, tried on the molestation charges, convicted and sentenced to 28 years in prison. Cross was sent to a mental institution as part of his sentence. While there, he continued acting as a broker for the distribution of child pornography by using friends who visited him at the hospital as couriers. In 1977, he walked away from the mental institution and went to California, where he became involved in a child sex ring that included Joseph Henry, a Subcommittee witness. Cross was arrested in Los Angeles by Detective William Dworin and returned to Florida, where he went on trial in March 1986 in U.S. District Court on charges of distributing child pornography. He was convicted on 19 counts of mail fraud, conspiracy to distribute child pornography and other charges and was sentenced to 95 years in federal prison, to be served consecutively with the time remaining from his earlier Florida conviction.[158]

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[155] Woodward interview, *op. cit.*

[156] Tyler interview, *op. cit.*

[157] Subcommittee staff interview with Agent Michael Brick, Florida Department of Law Enforcement, November 1984.

Dutch police told their Florida counterparts they had seized all the film Cross had taken to the Netherlands. Obviously, however, some film made its way into the child pornography market. The copy of *Linda and Patty* reviewed by the Subcommittee had the following legend printed on the back: "Copyright Delphi Press, Copenhagen 1974, all rights reserved, printed in Denmark."

XIII. PRICE AND COST OF CHILD PORNOGRAPHY

Child pornography has risen in price since the late 1970s, but not as much as might be expected. A catalog from Copenhagen received in the United States in 1970 advertised 32-page full color magazines at $10 each. Others advertised magazines such as *Loving Children, Lolita Colour Special,* and *Incest,* at $6 and $7. Eight-millimeter films were priced from $27 to $36.[159]

By 1984, some of those same magazines were priced at $20 each, and the now-antiquated 8mm films were priced from $40 to $60. But at least one catalog dated January 1984 from a firm in the Hague, the Netherlands, listed copies of *Lolita* and *Linda and Patty* for $9, and all child pornography was less than $15.[160]

Though no longer widely desired, 8mm films still can be purchased. Converting these films to more modern VHS and Beta videotapes is now a cottage industry within the pedophile community. Several ads in pedophile publications such as *Wonderland* offer these services,[161] and at least one convicted child molester from Texas sent friends—and, to his surprise, police—a videotape advertising his services, including the dubbing of 8mm films to video.[162]

The era of videotapes has revolutionized the entire pornography industry. Not only has it helped make viewing adult pornography a widespread, middle-class pastime, according to adult pornography distributor Reuben Sturman,[163] but it has added a picture quality that was unavailable before. Catalogs obtained by the Subcommittee indicate that original videotape child pornography, depending on the content, is selling for $50 to $200.

Estimating the profits of any underground criminal enterprise is speculative at best. And in the child pornography market, it seems safe to assume that law enforcement probably can document only a small portion of the industry's total profits. Some widely reported figures, however, seem to have little basis in fact.

For example, the American Christian Voice Foundation asserted in its 1985 publication, *Child Protection Alert,* that: ". . . police investigators are unearthing a thriving for-profit industry revolving around child pornography with sales estimated to run at least one-half billion dollars annually."[164] Actually, this is one of the smaller estimates Subcommittee investigators found. Similar citizens groups and some writers have used terms like "multi-billion-dollars" to describe the child pornography industry or have described it as a "significant" portion of the huge and lucrative adult pornography market.

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[158] Carmody, Smolcich, Brick and Dworin interviews, *op. cit.*

[159] Copies retained in Subcommittee files.

[160] Copies retained in Subcommittee files.

[161] See *Wonderland,* No. 9; Chicago, Spring 1985, p. 9.

[162] Dworin interview, *op. cit.*

[163] See note 16.

The Subcommittee, however, has found no evidence to support such figures. The most generous estimate of the value of foreign child pornography entering the United States—according to known seizure figures—probably would not exceed $5 million.[165]

In order to support an assertion that child pornography in America is a half-billion-dollar industry, it would be necessary to show that the domestic commercial market grosses at least $495 million annually. But the seizures of domestically-produced commercial child pornography by such agencies as the U.S. Postal Service, FBI and local police departments do not begin to approach that figure, or even the $5 million estimate for foreign child pornography. And of the hundreds of child molesters who collect child pornography and are arrested each year none, to the Subcommittee's knowledge, has provided police with information on a huge commercial underground that would be needed to produce such profits. The fact is that the overwhelming majority of child pornography seized in arrests made in the United States has not been produced or distributed for profit. The total of all commercial child pornography operations prosecuted in the last five years, including those of such major dealers as Cathy Wilson, amount only to a few million dollars. In addition, the half-billion-dollar figure seems to presuppose that commercial child pornography can be purchased widely throughout the nation in adult pornography shops, even though this has been virtually impossible for the last several years.

When asked about the half-billion-dollar figure, U.S. Postal Service Inspector Phillip Renzuli commented: "I really wonder about those figures when I read them. Where do they get them? We certainly can't support them—not even close."[166]

The significant cost to society from child pornography is not economic—many other criminal enterprises, such as narcotics smuggling, cause far greater damage to the economy. Instead, the cost must be measured in terms of the sexual exploitation of children represented by child pornography, and the sexual abuse of children to which child pornography is a central contributing factor. It is not necessary to view child pornography as a hugely lucrative, organized crime-controlled underground in order to appreciate the scope of the damage to society caused by this reprehensible practice.

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[164] *Op. cit.*, p. 4

[165] In a hypothetical example, assume the Customs Service makes 2,000 seizures of child pornography in one year (actual 1984 totals were higher; 1985's were much lower), with an average of ten pieces of pornography in each seizure, making 20,000 total pieces of child pornography. Prices ranges from $10 for magazines to $100 for videotapes, so a high average price would be $50 per item, for a total value of $1 million. Assuming further that Customs seizes only 20 percent of the items mailed, five times that amount produces a generous estimate of $5 million.

[166] Subcommittee staff interview, July 1985.

XIV. CONCLUSIONS

Based on the information obtained during its investigation, the Subcommittee has reached the following general conclusions:

Child pornography plays a central role in child molestations by pedophiles, serving to justify their conduct, assist them in seducing their victims, and provide a means to blackmail the children they have molested in order to prevent exposure.

The vast majority of child pornography in the United States is produced and distributed by individual pedophiles for little or no profit.

What commercial child pornography does exist in the United States constitutes a small portion of the overall pornography market and is deeply underground. Unlike the adult pornography industry, it is not significantly influenced by organized crime.

It is extremely difficult, if not impossible in some cities, to purchase true child pornography at adult bookstores.

The seizure by the U.S. Customs Service of imported child pornography, especially from Denmark and the Netherlands, has declined dramatically since late 1984 due to increased diplomatic and law enforcement pressure, American news media reports and increased caution shown by American child pornography customers.

The membership of known pedophile-support groups in the United States is probably less than 2,000. While many of the groups' members have been convicted for child sex crimes, the groups themselves are not involved actively in large-scale criminal conspiracies, such as commercial child pornography rings.

So-called "child sex rings" do exist, however, and it is these un-organized groups, and the individuals who participate in them, which pose the most serious threat to children.

The Child Protection Act of 1984, which made illegal all distribution of sexually explicit material involving children, has been highly successful, leading to a substantial increase in federal prosecutions and the placing of higher priorities on such investigations. Since passage of the law, the Department of Justice has won 164 convictions on child pornography violations; in the previous six and one-half years, there were only 64.

While the awareness of many police agencies about child sexual exploitation has improved greatly, many still do not have the training, staff or inclination to recognize promptly and investigate potential leads to crimes involving child pornography or child sexual abuse.

Computers are providing pedophiles with a virtually untraceable means of exchanging information, including the names of potential victims. While the Subcommittee is mindful of the Constitutional safeguards against interference with free speech, a need clearly exists for additional legislation in this area.

XV. RECOMMENDATIONS

During the course of the Subcommittee's investigation, particularly following news media accounts of the public hearings, several thousand postcards and letters were received urging Congress to take a tougher stand against child pornography. This correspondence illustrated a paradox of law enforcement: Good laws often lead to more arrests of criminals, thus making it appear that more new laws are needed to curb what the public perceives as an increase in crime.

Arrests of persons violating federal child pornography statutes have increased substantially since the passage of the Child Protection Act of 1984, which amended a previous 1977 statute.[167] The Subcommittee believes that the child pornography laws now on the books are well designed and are reaping impressive gains in the fight against this crime. The 1984 law has instilled a new vitality in agencies such as the Postal Service and the U.S. Customs Service which now have many investigators dedicated solely to child pornography cases. We see no need for major revisions in the 1984 law at this time. A number of "fine tuning" amendments now before Congress, however, do have merit and should be considered carefully. Following are the Subcommittee's recommendations for stepping up the law-enforcement effort against child pornography and child molestation:

1. Ban advertising of child pornography and child prostitution.— One aspect of this problem that has not been addressed specifically by the federal statutes is the advertising of sexually explicit material involving children. Not only do foreign child pornography distributors publish glossy color brochures featuring their magazines, films and tapes, but newsletters of American pedophile organizations also carry advertising for such materials. Other brochures have carried thinly-disguised advertisements for "child sex tours" abroad.

To combat this, Senator Roth and several other senators introduced Senate bill S. 2398, which among other things would prohibit any advertisement "to receive, exchange, trade, buy, produce, display, disseminate, photograph, film, print, or record, any visual or print medium depicting sexually explicit conduct of or with any minor (or) offering participation in any act of sexually explicit conduct with any minor . . ." [168]

U.S. Customs Service inspectors frequently seize such advertisements from foreign mail, and in most cases they are forfeited by the intended recipient. Rarely are criminal cases made against persons based on the receipt of advertisements alone. In practice, however, people who receive such advertisements usually are collectors of child pornography, and many collectors have proven to be actual child molesters. The Subcommittee believes the producers of such advertisements should risk the same criminal exposure for printing advertisements for child pornography as they do for printing the actual products.

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[167] See p. 5.

[168] See note 56.

In addition, this bill amends the Mann Act, which prohibits the interstate transportation of females for the purpose of prostitution, to include males. We believe this amendment, which for the first time would specifically include all males in the Act, is a necessary step to keep federal law current with actual practices.

2. Increase pressure on foreign pornographers.—Soon after the Subcommittee's first public hearings in November 1984, the U.S. State Department assembled an interagency task force to visit enforcement officials in Sweden, Denmark and the Netherlands. The group's mission was to convey the United States' willingness to cooperate in joint investigations and to urge the three governments to intensify their fight against the foreign export of child pornography. Representatives of the U.S. Customs Service, the U.S. Postal Service, the Justice Department, the Federal Bureau of Investigation and the State Department established valuable personal contacts with their European counterparts. The result was not only a better understanding of the enforcement problems in the European nations, but also a commitment to regularly exchange intelligence information on pornographers.[169]

The Subcommittee commends these promising first steps and urges that further cooperation be encouraged at the highest levels of each agency.

3. Create regional child sexual exploitation task forces.—During the Subcommittee's investigation, it became apparent that there is an immediate need for a mechanism to promote the sharing and dissemination of intelligence on child sex crime suspects and to coordinate joint criminal investigations. The Subcommittee believes this function can be carried out with existing staff positions and funds from participating agencies.

Although cooperation among enforcement agencies on child sexual abuse cases often has been exceptional, poor communication and "turf" rivalries do occur. These situations become alarming in light of the fact that a delayed or ignored investigative lead could mean the continued sexual exploitation of a child. For example, a local police agency might seize the customer mailing list of a major child pornographer, or the membership list of a "child sex ring." What should be done with the list? If it contains names of suspected child molesters throughout the country, it obviously should not remain locked in a police department file cabinet. Should that department designate an officer to call other agencies around the country and tell them a suspect from their jurisdiction appeared on the seized list? Few departments could spare the time needed for such an enterprise. Even if they could, the number of local departments having the expertise to pursue such a lead is limited. Some experts have suggested that the list be given to a federal agency, such as the FBI, which could disseminate it to investigators around the country. Many local authorities, however, strongly oppose that suggestion because of past experiences in which information was not shared equally once it left local control. These are not new complaints.

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[169] See pp. 30–34.

To resolve this problem, the Subcommittee recommends establishing a network of regional task forces, controlled on the local level, consisting of 12 to 15 active investigators and prosecutors from the local, state and federal levels, including representatives from the U.S. Postal Service, U.S. Customs Service, Justice Department and the Federal Bureau of Investigation. Testimony before the Subcommittee by Lt. William Thorne of the Bergen County, N.J., Prosecutor's Office supported such a task force structure.[170] Jay Howell, director of the National Center for Missing and Exploited Children in Washington, D.C., also endorsed the Subcommittee proposal.[171] "The unique nature of child sexual exploitation means the act or violation will quickly spread into the next jurisdiction or state," Howell said. "We need this regional and national response to a regional and national crime."

The Subcommittee believes the task forces must be engaged in "proactive" investigations, and not just respond to crises as they occur. The investigators assigned to the units must be trained officers who have demonstrated expertise in the child abuse field and who seek such an assignment.

Duties of the task forces would include:

Coordinating active investigations among agencies.

Exchanging information on a "need-to-know" basis with other agencies.

Training police, court and social service personnel in local jurisdictions.

Conducting proactive and undercover investigations.

There are justified concerns about the information-gathering role of such task forces and the need for protecting the rights of citizens. In some cases, for example, the names of non-pedophiles such as legitimate psychiatric researchers have appeared on the mailing lists of some pedophile organizations. The Subcommittee believes, however, that trained investigators using a rigid system of safeguards, and carefully monitored by prosecutors, could ensure that such operations could be carried out effectively without jeopardizing individual rights.

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[170] *Hearings*, Part 1, p. 55.

[171] Subcommittee staff interview, March 10, 1986.

APPENDIX

COMMITTEE ON GOVERNMENTAL AFFAIRS,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, DC, August 24, 1984.

Hon. GEORGE P. SHULTZ,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR GEORGE: The Senate Permanent Subcommittee on Investigations, which I chair, has for the past several months been investigating the production and distribution of child pornography in the United States. During the course of this investigation my staff has learned that a significant amount of commercially available child pornography is produced and distributed in foreign countries, particularly Denmark and the Netherlands.

The production, use and distribution of child pornographic material is legal in many European cities as evidenced by widespread availability in bookstores and other businesses that selectively cater to prurient interests. Cities such as Amsterdam and Copenhagen typify this widespread commercial availability. As you know, federal law has long prohibited the importation of such materials into the United States (18 U.S.C. 1462). Nevertheless, a substantial underground network exists in the United States for European imports of child pornographic materials. Our investigations have found that a lucrative market exists here for European produced child pornographic "video tapes" technically adaptable to American television sets. Apparently, a substantial portion of the foreign child pornographic market is designed for American distribution.

In 1977 Congress explicitly addressed the need to stem the flow of child pornographic materials by passing the "Federal Protection of Children Against Sexual Exploitation Act." Most recently, the President signed into law the "Child Protection Act" (P.L. 98–292) which filled many statutory gaps and made every phase of the pornographic market from production to private use felonious conduct. However, the availability of imported materials catering to pedophiliacs continues.

Since the growing availability of such materials in the United States has been traced to European cities, particularly Amsterdam and Copenhagen, would you be kind enough to supply in detail the following information to facilitate our investigation:

1. What diplomatic efforts have been made to contact foreign officials about the flow of pornographic, particularly child pornographic, materials into the United States?
2. What contact or cooperation have you had with the U.S. Customs Service in dealing with this importation problem?

3. What contact or cooperation have you had with the Department of Justice or other federal agencies in dealing with the importation problem?

4. What are your future plans in dealing with the importation of child pornographic materials?

5. Have any previous efforts on your part been unsuccessful?

6. Can the United States influence the exportation of these materials from the Netherlands, Denmark or elsewhere to any significant extent?

I plan to chair hearings on this matter at a later date and would greatly appreciate your cooperation. In addition to the information sought through these specific questions, any additional information or observations would be helpful.

Thank you for your assistance.

Sincerely.

WILLIAM V. ROTH, Jr.,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 19, 1984.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate.

DEAR SENATOR ROTH: Thank you for your letter to the Secretary of August 24, to which he has asked me to respond. You inquired whether any diplomatic efforts have been made to stem the flow of child pornography into the United States and whether, in our judgment, the US could influence the exportation of such materials from the Netherlands, Denmark or elsewhere.

In an effort to provide a complete answer to your inquiries, we have discussed the child pornography issue with representatives of the Justice Department, the U.S. Customs Service and the U.S. Postal Service. On the basis of these conversations, it appears that no general diplomatic or other effort has been made to inhibit the foreign production or export of child pornographic materials to the United States. On occasion, officials of the Justice Department, the Customs Service or the Postal Service have discussed specific criminal cases or interdiction cases involving child pornographic materials with their counterparts in Europe, but these have been in the nature of uncoordinated, incidental contacts.

To date, the focus of official United States efforts to stem the inflow of child pornographic material has been interdiction. As you note, Title 18 of the U.S. Code has long prohibited the importation of such materials into the United States. In addition, under Article 36, paragraph 4–E of the Convention of the Universal Postal Union, "obscene or immoral articles" are prohibited in the international mails. The Postal Inspection Service, in cooperation with the Customs Service and the Justice Department, has an active postal surveillance program which seeks to reduce the inflow of pornographic materials into the United States. United States citizens who receive objectionable materials can, of course, ask the Postal Service to suspend delivery of such materials.

In theory, the prohibitions contained in the Convention of the Universal Postal Union could provide a basis for discussing the international transport of child pornographic materials with officials of the Netherlands, Denmark, and other governments. However, the thrust of United States efforts with respect to international mails thus far has been to insure their "free flow." In contrast with the practices of the Soviet Union and other totalitarian states, we have sought to promote the doctrine and practice of non-interference with international mails.

Nevertheless, because of the seriousness of the problem represented by the information of child pornographic materials, we believe that some form of enhanced international effort is necessary to deal with it. We are at present examining the feasibility and effectiveness of an approach to other governments through the U.P.U. or through bilateral diplomatic channels. Before making such an approach, we will work with other interested agencies and bureaus to determine the magnitude of the problem and the countries principally involved in production and exportation of child pornographic materials.

We look forward to working with you and your committee in this effort.

Sincerely,

W. TAPLEY BENNETT, Jr.,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

WASHINGTON, DC, *September 11, 1984.*

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Permanent Subcommittee on Investigations, Senate Office Building, Washington, DC.

DEAR SENATOR: An editorial in The Washington Post last Saturday called my attention to the work currently being undertaken by the Senate Subcommittee on Investigations serving under your chairmanship.

It appears that in the course of its work the Secretariat of your Committee has been provided with information that pornographic materials have been illegally imported into the United States from sources in Denmark, among other countries.

You will understand the grave concern this matter has caused in Denmark. The more so, as child pornography was declared illegal by Danish law several years ago.

The concerns which recently have been expressed by you and other Americans in this respect have received extensive coverage in Danish media. In this context I am happy to let you know that the Danish Minister for Justice, Mr. Erik Ninn-Hansen, has issued a statement in which he stresses the repugnance of the Danish Government to any sexual abuse of children, including child pornography.

So far, there has in Denmark been only a few cases of violation of the criminal code pertaining to the distribution of child pornography, the violators having received sentences.

Recent reports in American and Danish media on cases related to Denmark, have, however, prompted the Danish Minister for Justice to initiate extensive investigations. They have not yet been concluded, but the preliminary indication is that the Danish citizens involved have been in possession of child pornographic materials. There are also indications that the pictures in question have not been made in Denmark, but abroad.

The Minister has taken this opportunity to remind the public of the fact that according to the Danish criminal code any person who makes pornographic pictures involving children—or cooperates in this—shall be liable to a maximum penalty of 10 years in prison.

Any person who sells and otherwise distributes child pornographic material—regardless of its country of origin—is liable to a fine (and confiscation). It should be added that the Minister for Justice is presently looking into the possibilities of increasing the penalty for such offenses to the effect that persons distributing child pornography may be liable to imprisonment.

I trust, Mr. Senator, that the above information will be a testimony to the seriousness with which the Government of Denmark is striving to bring an end to any possible activity which may imply sexual abuse of children for such sordid purposes.

Sincerely yours,

EIGIL JORGENSEN,
Ambassador of Denmark.

U.S. SENATE,
Washington, DC, October 5, 1984.

His Excellency POUL SCHLUTER,
Prime Minister of Denmark, Copenhagen.

DEAR MR. PRIME MINISTER: The United States and Denmark have many ties that are warmly cherished by the people of both countries. Our friendship is longstanding and cemented through common struggle against tyranny. However, a link of a distasteful sort has grown between our two countries, without the knowledge or approval of the great majority of our people. This link is the trade in child pornography.

Much of the culpability for this sordid trafficking rests on our own shores. The United States is a major market for these obscene materials. We deplore this fact. The American people have been shocked by reports in recent years about child pornograhy in the United States and our apparent lack of effectiveness in stopping it. At every level of government, Americans have supported vigorous action to apprehend, convict, and punish severely those who are engaged in the production of and trafficking in these materials. We are determined to redouble efforts to curb our country's involvement in this despicable crime.

The Child Protection Act of 1984, enacted last May, strengthens U.S. federal laws against child pornography. In addition, almost all of our fifty states and many municipalities have enacted or strengthened laws against child pornography, and law enforcement personnel are diligently working to stem the flow of these materials through our mails and customs. We are having some success.

During this fiscal year, our customs officers have seized approximately 1,900 pieces of child pornography coming into the United States. However, stopping the importation of these materials is very difficult, and we are in critical need of the full cooperation of countries who are exporting them for the United States market.

The United States Senate has recently been informed by U.S. Customs officials that 85 percent of the child pornography imported into this country comes from the kingdoms of the Netherlands and Denmark. In addition to Your Excellency, we are writing to the Prime Minister of the Netherlands.

This is a subject which, due to international publicity, is being widely discussed today by thoughtful people in your country, as well as ours. Furthermore, there can be no doubt that the people in our two countries, in our mutual traditions of moral strength and love of family, deplore our participation in this shameful exploitation of children.

As legislators, we write to Your Excellency, asking for your support and suggestions with respect to possible avenues of cooperation between our governments and law enforcement agencies in order to curb production and trafficking in child pornography. We feel confident that our two countries can work together, as well as in concert with other nations, to combat successfully the international distribution of these salacious materials.

Respectfully yours,

William V. Roth, Jr., James Abdnor, Pete V. Domenici, Bob Kasten, J. James Exon, Paul S. Sarbanes, Nancy Landon Kassebaum, Paula Hawkins, Alfonse D'Amato, John C. Danforth, Howard M. Metzenbaum, Mack Mattingly, Strom Thurmond, Alan J. Dixon, Dan Quayle, Claiborne Pell, Rudy Boschwitz, Edward Zorinsky, Frank R. Lautenberg, Roger W. Jepsen, Charles H. Percy, John Glenn, Steven D. Symms, Jake Garn, Richard G. Lugar, John Heinz, Senators.

WASHINGTON, DC, *November 28, 1984.*

Hon. WILLIAM V. ROTH, Jr.,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR ROTH: I have been instructed to inform you that the Danish Government has considered again the sad matter raised by yourself and other members of the United States Senate in your letter of October 5th, 1984, addressed to the Prime Minister on the problem of child pornography.

My Government looks upon these matters with grave concern and you will already be aware, from previous communications, that legislative action was taken here back in 1980 in order to criminalize also any distribution of pornographic material involving children in addition to the already existing provisions in the penal code according to which the production of such material is already severely punishable.

Reference should be made again in this connection to the statement made by the Danish Minister for Justice which I was last instructed to bring to your attention. All cases of child pornography are being carefully investigated by the police. However, the outcome so far of the investigations in the cases which were specifically brought up earlier this year in an NBC-broadcast seems to indicate that the material found by the police in these cases consisted of photographs taken elsewhere than in Denmark. This obviously does not relieve us of our concern in these matters, but it seems that we may so far be in a similar situation to that of the United States in these cases.

The Danish Government finds it most important to fight abuse of children. The Minister for Justice has therefore instructed the police to give investigations of child pornography cases a very high priority. The Minister is closely following the investigations in the two cases mentioned above. In order to strengthen as much as possible the cooperation between our two countries in this field the Minister for Justice would sincerely appreciate to receive any specific information concerning persons in Denmark trafficking in child pornography which the U.S. authorities might possess. In this regard Denmark will also be ready to receive and assist representatives of U.S. authorities concerned with this matter.

In awaiting your reply, I should also add my Government's appreciation of the thoughtful and balanced way in which the Senate has approached this delicate matter.

May I finally state that you will always find the Embassy of Denmark ready to assist you to the best of our ability in your endeavours in this case.

Copies of this letter have been forwarded to Senator Arlen Specter and to Deputy Assistant Secretary John H. Kelly.

Sincerely yours,

EIGIL JORGENSEN,
Ambassador of Denmark.

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